

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, January 9, 2024

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Chris Vincent
Vice Mayor Edmund Malkoon
Commissioner Buz Oldaker
Commissioner Randy Strauss
Commissioner Theo Pouloupoulos

Linda Connors, Town Manager
Susan Trevarthen, Town Attorney
Katrina Adler, Town Clerk

Regular Town Commission

Tuesday, January 9, 2024, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR CHRIS VINCENT**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION by Mayor Vincent**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. Proclamation for Major Thomas Palmer
 - 5.b. Arbor Day Proclamation
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
 - 8.b. Pier Discussion
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
 - 10.a. Approval of Minutes for December 12, 2023.
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
 - 12.a. Sidewalk Cafe Discussion- Fees
13. **NEW BUSINESS**
14. **COMMISSIONER COMMENTS**
15. **ORDINANCES 1st Reading**
16. **ORDINANCES 2nd Reading**
17. **RESOLUTIONS – PUBLIC COMMENTS**
18. **QUASI JUDICIAL PUBLIC HEARINGS**
 - 18.a. Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV
“Development Permits – Applications, Requirements And Review Procedures,”
Division 4 “Adjustments To The Code – Procedures And Requirements,” Section 30-

128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court (“Property”).

- 18.b.** Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures And Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-05) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 241 Shore Court (“Property”).

19. 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 ENSURE 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.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person’s right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town’s written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 5.a.

Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Proclamation for Major Thomas Palmer

Explanation: Mayor Vincent will read a Proclamation honoring the many years of service by Major Thomas Palmer.

Recommendation:

Exhibits:

1. Major Thomas Palmer Proclamation

Proclamation

*Issued by the Governing Body of the
Town of Lauderdale-By-The-Sea, Florida*

WHEREAS, Broward Sheriff's Office Major Thomas Palmer faithfully served the Town of Lauderdale-By-The-Sea as a Sergeant from January 2008 until December 2011, Executive Officer from September 2013 until October 2016, and its District Chief from October 2016 until December 2023; and

WHEREAS, Major Palmer always kept the best interests of the Town and its residents in mind as he carried out his day-to-day law enforcement duties in Lauderdale-By-The-Sea; and

WHEREAS, Major Palmer displayed a tremendous passion for law enforcement, especially when it came to motivating the deputies responsible for safely patrolling the streets of Lauderdale-By-The-Sea; and

WHEREAS, Major Palmer demonstrated exceptional leadership with an extremely high level of professionalism while working as District Chief; and

WHEREAS, Major Palmer maintained an excellent rapport with Town Commissioners, Town staff, residents, business leaders, and Pompano Beach Fire Rescue, making it possible for all the Town's stakeholders to work in harmony to provide key public safety services for the people who work and reside in the Town; and

WHEREAS, Major Palmer's unwavering dedication to the Town, its residents and business owners will forever stand out as an enduring example and model for future District Chiefs to emulate; and

WHEREAS, Major Palmer, a 27-year BSO veteran, was recently recognized and rewarded for his hard work and professionalism by his promotion this year to Major, a rank with greater responsibility; and

WHEREAS, the Town of Lauderdale-By-The-Sea wishes to express its sincere appreciation and genuine gratitude to Major Palmer for his selfless dedication and hard work on behalf of its thankful residents,

Now, therefore, I, Mayor Chris Vincent, on behalf of the Town Commission and the citizens of Lauderdale-By-The-Sea, hereby proclaim the following:

1. That Major Thomas Palmer is hereby officially commended for his outstanding service to the Town of Lauderdale-By-The-Sea.
2. That this Proclamation is presented as a reminder that although he has left our Town to serve Broward County's residents in another vital capacity, he will be remembered as a dedicated and warmhearted public servant whose contributions to public safety will forever be appreciated by those who were fortunate enough to know and work with him.

*In witness wherof we have hereunto set our
hands and caused this seal to be affixed*

Chris Vincent, Mayor

Katrina Adler, Town Clerk





Agenda Item No: 5.b.

Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Arbor Day Proclamation

Explanation: Florida Arbor Day is celebrated on the third Friday in January. In commemoration of the 100th year of Florida Arbor Day, the Town will be hosting the Garden Club for a tree planting ceremony on Friday, January 19th, 2024 at 11:00am on the Town Hall Campus.

Recommendation: N/A

Exhibits:

1. 100th Arbor Day Proclamation

Proclamation

*Issued by the Governing Body of the
Town of Lauderdale-By-The-Sea,*

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, National Arbor Day is celebrated the third Friday in January; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Arbor Day encourages the preservation and replenishment of trees bestowing a long-range benefit on generations to come; and

WHEREAS, on Friday, January 19th 2024, at Lauderdale-By-The-Sea a tree planting will begin at 11:00 a.m. to commemorate the 100th year of Florida Arbor Day; and

NOW, THEREFORE, I, Chris Vincent, Mayor of the Town of Lauderdale-By-The-Sea, Florida, and in concurrence with the Town Commission hereby proclaim *Friday January 19, 2024*, as:

"Arbor Day"

In the Town of Lauderdale-By-The-Sea, Florida and urge all citizens to celebrate Arbor Day and to support efforts to care for and protect our trees, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*In witness wherof we have hereunto set our
hands and caused this seal to be affixed*

Chris Vincent, Mayor

Katrina Adler, Town Clerk





Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By:

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation: Following is the Town Manager's Report for January 9, 2023.

Recommendation:

1. Welcome to Lieutenant Sutter!

With the promotion of Bill Wesolowski to LBTS BSO Captain, we had a vacancy in our #2 spot. Welcome to Lieutenant Christopher Sutter. Lt. Sutter began his law enforcement career with BSO in 2006 as a road patrol officer. Since that time, he has worked as a Field Training Deputy, Field Force Deputy and an active member of the dive rescue team. He was promoted to Sergeant in 2020 and was assigned to the Deerfield Beach district and also to Internal Affairs. We are pleased to welcome Lt. Sutter as our Executive Officer and congratulate him on his promotion to Lieutenant.

2. Business Enhancement Team

To streamline the relationship between the Town and our business community, I have created a business support team. The team consists of members from Administration (Courtney Easley), Public Works (Leroy Chasmer and Gordon Chase), Development Services (Jhanelle Campbell) and BSO (Lieutenant Sutter). This team will enhance the communication between the businesses and Town Hall to ensure open lines of communication and expedited service.

3. DEP Resiliency Grant

The Town's efforts to secure grant funding are starting to see signs of success. We were awarded a \$200,000 Resiliency Grant to create a Vulnerability Assessment. This report will evaluate the potential risks and vulnerabilities associated with flooding in the town and will identify contributing factors and potential impacts of flooding on people, infrastructure, the environment and economy. The report will be used to support grant applications that enhance the Town's resilience against flood-related risks.

This is the first of several grants that the Town has applied for in our ongoing effort to expand the Town's budget by looking for funding opportunities outside our tax base. Special thanks to Courtney Easley for spearheading this project!

4. Sun Sentinel Op Ed

On Christmas Eve, the Sun Sentinel published an Op-ed written by the Mayor regarding our recent downtown renovations. In it, the Mayor reflects on how the lingering effects of the COVID pandemic had at least one positive impact on the community - and that was the idea of renovating our downtown. The Op-ed

further describes how the community initiated the action and the Town held several public meetings to gather resident and community input. A copy of the Op-ed is located on our website.

5. Traffic Calming

The traffic counts for the South Silver Shores neighborhood are scheduled for the week of January 22nd. If you remember, these counts are the first step in the development of traffic calming analysis and conceptual plans. In the last year, we have also received requests for assistance in the Bel Air neighborhood as well as the Silver Shores neighborhood. The Town has \$150,000 budgeted for traffic calming issues in the FY24 budget and I have therefore asked Baxter and Woodman to expand their project to include West Tradewinds and Bel Air Drive in these two neighborhoods. The additional cost to analyze these streets and provide recommended alternatives and concepts is \$8,893.54. By combining the projects, the Town will realize a significant savings because we will not have to pay for mobilization costs.

6. Chamber of Commerce Fish Fry Parking

The Chamber of Commerce is holding their annual fish fry on February 9th and is requesting the use of the median parking as we allowed last year. If the Commission approves the parking, staff is suggesting the Commission waive the parking fee (\$20) to support the Chamber.

Commission Action: Provide staff direction regarding paying El Mar Drive median parking.

7. Early Payment on South Ocean Lot

The Town purchased the South Ocean parking lot and spread our payments over several years. Until it is fully paid, a portion of the parking fees that we collect are shared with the original owner. For FY23, parking revenue was almost 50% over what was budgeted, resulting in an increase of over \$460,000 to the fund. We owe \$1.6 million to the property owner and payments are due to be split over two years. The 2024 payment has been budgeted and is scheduled to take place in May. With the increase in the parking fund collections last year, we have sufficient revenue to fully pay the debt this year, which will allow us to retain 100% of the South Ocean lot revenue.

Commission Action: Provide staff direction regarding paying off the South Ocean lot.

8. The Dinner Party

The Lauderdale-By-The-Sea Community Center's Seaside Players will present a Neil Simon comedy, *The Dinner Party*, in Jarvis Hall over two weekends in mid-January. There are 7PM Friday and Saturday performances on Jan. 12, 13, 19 and 20. There are also 4PM Sunday matinées on Jan. 14 and 21. The shows are free! The one-act play is 140 minutes long with no intermission. *The Dinner Party*, which is set in a chic Paris restaurant, first opened on Broadway in October 2000 and closed after 364 performances. Reservations are strongly recommended. There are only a few remaining seats available for the Jan. 14 show. To reserve a seat, please e-mail NeilSimonTheDinnerParty@gmail.com.

9. Upcoming Meetings

Date	Meeting Type	Meeting Time
January 23	Commission	6:30 PM
January 25	Special Magistrate	5:00 PM
February 13	Commission	6:30 PM

Exhibits: None



Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Pier Discussion

Explanation: Anglin's Fishing Pier is one of the few privately owned piers in the state. In 2017, it was damaged by Hurricane Irma and, since that time, it has been in a state of disrepair. The Town staff understands its significance, and we have worked through the Special Magistrate process to monitor the code violations. The difficulty in the situation is that the Town is not driving the ship town, so to speak. Before the Town has an opportunity to review and comment on any construction, a variety of federal, state and county governmental entities must complete their review and approval of any proposed construction projects.

That being said, the Pier and its status remains one of the most inquired about topics in the Town and Staff has noticed an uptick of comments and concerns since the most recent storm on social media or have received through town hall that are inaccurate. To help inform the public of the Pier's status and to increase the transparency related to this topic, staff is including a FAQ page on the Town's website regarding the Pier. To begin, we are posting the following timeline of the pier since the first damage occurred. This timeline will be regularly updated and as we receive additional information on the Pier's status, we will also include this information.

Timeline to be included on the FAQ website

2017

- September -Hurricane Irma first caused extensive damage to the Pier

2018

- March - Town issued a notice of violation for maintenance of the Pier. At this time, no permit to repair the damage from Hurricane Irma had been applied for.
- May- Town issued a permit for repairs to the Pier
- September- Special Magistrate issued a final order giving the Pier owner until March

2019 to complete repairs or face a fine of \$250 per day

2019

- March - Fines begin to accrue at a rate of \$250 per day
- May - Broward County provided license DF-1104. Per the State, the Pier was exempted from licensing requirements.
- July - Town Building Official issued a stop work order for failure to obtain a waiver or permit from the Federal Corp of Engineers.
- October - Special Magistrate certified fines in the amount of \$53,275 but stayed additional fines until January 2020.

2020

- January - Comply by date extend to March 2020. Previously certified fines were upheld.
- March - Code Compliance Hearing canceled due to the COVID-19 pandemic.
- August - Special Magistrate issued an extension to comply by January 27, 2021. The next hearing will be held on January 28, 2021. The previously-accrued certified (but not recorded) fines of \$53,275 are still upheld.

2021

- January - The Pier permit still remains under review with NOAA and NMFS.
- October - Special Magistrate required Pier Owner to submit a letter confirming structural safety within 10 days. If not, a fine of \$200/day would begin to run until the letter was submitted.
- November - At the Special Magistrate hearing, the Town presented an engineer's letter stating the portions of the pier accessible to public patrons are safe for public use. The Magistrate ordered that by January 26, 2022, active work must resume on repairs or a fine of \$200 per day will accrue.

2022

- January - Fines of \$200 per day have begun to accrue because active progress on the Pier has not resumed.
- November - Storms hit the Pier causing considerable damage to the east half of the structure. The Building Official and Fire Marshal visited the Pier to assess the damage. The Building Official posted the Pier as unsafe and ordered the Pier structure closed, and the electricity was cut. The restaurant and bait shop remained open. The previously issued permit became null and void.
- December - Emergency Special Magistrate Hearing. The Magistrate heard testimony from Pier representatives and asked the Town to arrange a meeting to review the Pier safety plan within the next ten business days. All parties agreed.

2023

- January - Safety plan received
- October - The Project coordinator stated that the engineers and designers are working on a new design, and he will update the Town when this is done.
The Director of Development Services, Jhanelle Campbell, spoke on the record and requested a timeline for the project from the Project coordinator by 1/18/24.
- December - Pier sustained additional damage due to storms. Fines continue to accrue at a rate of \$200 per day. As of January 5, 2024, the total amount due is \$195,600.00.

As a reminder, the Pier owner and representatives are scheduled to provide regular updates to the Town's Special Magistrate. The next update will be at the January 25th hearing. We asked a member of the Pier's team to attend the January 9th meeting. Unfortunately, they were unavailable due to previously scheduled plans. We have asked them to attend the January 23rd Commission meeting to answer any Commission questions.

Recommendation: N/A

Exhibits: None



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By:

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of Minutes for December 12, 2023.

Explanation: Draft minutes for approval for the December 12, 2023 Regular Commission Meeting.

Recommendation: Accept/Approve

Exhibits:

1. 12-12-23 Regular Commission Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 12, 2023
6:30 PM

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Senior Special Events and Marketing Coordinator Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was requested that Item 13.a be heard immediately following the Public Safety Report, and Item 18.a be heard immediately before the Town Manager Review under New Business.

5. PRESENTATIONS

a. Christmas-By-The-Sea Recap

Senior Special Events and Marketing Coordinator Katie Anderson provided an overview of the recent Christmas-By-The-Sea event. She thanked the community for their support, as well as the assistance of the Broward Sheriff’s Office and Pompano Beach Fire/Rescue for ensuring safety.

The Christmas-By-The-Sea event was the official beginning of the Town's 75th anniversary celebration. New events are planned throughout 2024.

Vice Mayor Malkoon commented that this was the first event held in the Town's recently renovated Downtown area. He felt the new sidewalks made a significant difference in the control and flow of traffic.

Commissioner Pouloupoulos recognized Senior Special Events and Marketing Coordinator Anderson and other members of Town Staff for their work on this successful event. He added that he had heard significant positive feedback on the Downtown renovation.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. BSO November 2023 Public Safety Report

BSO Captain Thomas Palmer reported that there were no incidents on the night of the Christmas-By-The-Sea event. He also recognized Deputy Mike Kratz for making four arrests during the month of November 2023.

The Winterfest Boat Parade is scheduled for Saturday, December 16, 2023. The Commercial Boulevard bridge will remain in the "up" position for this event, which means it will be closed to vehicular traffic from 8:30 p.m. to approximately 11 p.m. Captain Palmer reviewed alternative routes for leaving the island, adding that bridges to the south will also be closed.

Commissioner Oldaker commented that a significant number of citations were issued in November and requested the reason for this increase. Captain Palmer explained that while there is no additional staffing, BSO personnel are taking a proactive approach. He added that there are more people in the Town with the recent reopening of the Downtown area. There is also an ongoing operation to provide additional visibility during the holiday season.

Commissioner Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried 5-0.

The following Item was taken out of order on the Agenda.

13. NEW BUSINESS

- a. Resolution 2023-50: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH ONE PARKING, INC. FOR PARKING ENFORCEMENT SERVICES WITHIN THE TOWN; UTILIZING THE TERMS AND CONDITIONS OF THE CITY OF DELRAY BEACH AGREEMENT AWARDED PURSUANT TO RFP 2022-038; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PIGGYBACK AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Deputy Town Manager/Municipal Services Director Ken Rubach recalled that in 2015, the Town solicited its parking agreement, which was extended for several years. In fall 2022, they hoped to secure an extension or identify another contract for a “piggyback” agreement; however, the current parking vendor has undergone several internal changes which resulted in administrative issues. It was determined that it was no longer in the Town’s best interest to continue seeking an extension from that vendor.

One Parking, Inc. serves the municipalities of Pompano Beach and Delray Beach, and their executive team is located in West Palm Beach. Research has shown they are very responsive.

The term of the proposed contract is five years, with two one-year extension periods. There will be a \$30,000 annual management fee, which is the same amount the Town negotiated for the 2015 contract. Increases are capped at 3% per year. One Parking, Inc. has also agreed that the Town’s existing contracted Parking Staff may join their team. Annual operating costs will be reviewed during the budget process.

One Parking, Inc. will continue to provide parking oversight, as well as maintenance of the citation system and the current level of customer service. Most changes will be

noticeable when Town Staff is working with One Parking staff. The staffing level will continue to be 40 hours per week.

The cost of the contract will be \$282,386 in fiscal year (FY) 2023-2024. Deputy Town Manager/Public Works Director Rubach noted that he had estimated the next five years as well, including the 3% increase, followed by the two-year renewals. Staff recommends approval of Resolution 2023-50.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Oldaker, to approve.

Town Manager Linda Connors advised that the Town currently has \$350,000 budgeted for parking services. The piggyback contract represents savings of nearly \$70,000 in its first year.

Motion carried 5-0.

8. TOWN MANAGER REPORT

a. Visitor Center Q3 2023 Report

Assistant to the Town Manager Courtney Easley reported that during the third quarter, approximately 473 people came into the Visitor Center, which is a 27% increase over the same time period in 2022. A new Town map is available outside the Center.

Art from Coast Boutique and Beach King has been added to the Visitor Center. The goal is to display artwork that is unique to the Town. Two businesses were referred to the Chamber of Commerce, and verbiage and photography have been updated for the 2024 *Visit Florida* guide. The Town's TripAdvisor site has been updated with new photos and content. The Discover LBTS page has seen an increase in visitors, particularly since the reopening of the Downtown area was featured via a link to the Town's Instagram page.

There are currently seven volunteers assisting with activities and events at the Visitor Center. These volunteers distribute materials to businesses and residents and help to staff tables at events.

Commissioner Strauss suggested that the Town may wish to invest in large pieces of outdoor art which are similar to the giant chair in front of the Visitor Center, as these are popular with tourists.

Town Manager Connors stated that there are two part-time employees who work at the Visitor Center. They, and the volunteers, have assisted Senior Special Projects and Marketing Coordinator Anderson with special events, which has allowed the Town to review whether or not a second Staff member will be necessary to provide this assistance in the future. If not, these funds can be transitioned to a different use.

b. Town Manager Report

Deputy Town Manager/Public Works Director Rubach reported that a storm system with the potential for up to 6 inches of rainfall may be moving toward the Town. Other concerns include heavy surf and winds. He is monitoring the system, and Staff has placed sandbags and adjusted the bollard system to ensure the Town's holiday tree remains in place. Staff will continue to check storm drains and take other precautions associated with heavy flooding. He encouraged all residents to safely store lightweight items.

Town Manager Connors addressed sidewalk café fees, recalling that in September 2023, Staff and the Commission had discussed these fees for the Downtown area during construction. The first quarter's sidewalk café fees have been waived. She requested direction from the Commission regarding whether or not to waive these fees for the second quarter, which begins in January. There was consensus from the Commission to waive second quarter fees as well.

Town Manager Connors continued that she has provided the Commissioners with a proposed schedule of 2024 Commission meeting dates. Because April 23, 2024 falls on Passover, Staff recommends rescheduling that meeting for April 30, as well as cancelling the November 26 and December 24, 2024 meetings. The Commissioners agreed with this by consensus.

In addition to the Town's contract with WastePro for garbage collection, they also have a waste disposal contract, which has expired. While the Town typically piggybacks on a contract between the provider and the city of Deerfield Beach, that current contract does not allow for a piggyback agreement. The waste disposal contractor for Oakland Park, which has a contracted rate of \$61.50 per ton, will allow the Town to use this rate for the next two months until they can either find another piggyback contract or bring the

temporary contract before the Commission. This contract would not require a request for proposal (RFP) due to its unique nature.

Commissioner Oldaker requested further clarification of what is covered by a waste disposal contract. Deputy Town Manager/Public Works Director Rubach explained that the Town's waste hauler takes materials to a transfer station which sends it elsewhere. There are very few of these stations in the area, all of which are controlled by the same two companies.

Town Manager Connors moved on to the Downtown construction, noting that when sidewalks were widened, this placed the sign for the pier in the center of the sidewalk. This sign has been removed and placed in storage. The Town has additional signage for the Downtown area and restaurants, which is expected to be in place by the end of the month. She proposed that once all signage has been installed, the Town consider pedestrian activity to determine an appropriate location for the pier sign. This would be brought back to the Commission after all other Downtown signage has been installed. There was consensus to proceed with this plan.

Town Manager Connors also advised that the Seaside Players are requesting parking for their upcoming production of Neil Simon's *The Dinner Party*. Parking is typically blocked off for this event, and parking passes are provided during rehearsals as well.

Town Manager Connors continued that the Town Manager's purchasing limit is \$20,000 unless in an emergency. The Town's license plate reader (LPR) system in the Terra Mar neighborhood was recently destroyed in an accident. The cost of a new LPR is approximately \$28,000. She has ordered this equipment. The Town expects to be reimbursed for this purchase through insurance. The Commissioners agreed by consensus to approve this emergency expenditure.

The next Town Commission meetings are scheduled for January 9 and 23, 2024.

At this time Mayor Vincent opened public comment.

Ann Marchetti, resident, thanked the Commission for waiving sidewalk café fees for the second quarter of the year as well as the first. She requested that they consider how to continue to help Downtown businesses throughout the coming year.

Ms. Marchetti also thanked the Town for the recent Christmas-By-The-Sea event and noted that celebrations will continue at the Farmers Market on Sunday, December 17,

2024. She thanked the Commissioners who attended the recent menorah lighting ceremony the previous week as well, and suggested that it is not too late for the Town to assist with the expenses from that event.

With no other individuals wishing to speak at this time, Mayor Vincent closed public comment.

Mayor Vincent advised that he has heard complaints regarding individuals sitting on the Downtown wall, which blocks the entrances to businesses. He suggested that signage could be posted to discourage this. In addition, some sandwich board signs are not in the correct Downtown locations. He recommended monitoring both of these concerns.

Town Manager Connors stated that the Town anticipates posting menu board signs for all the Downtown restaurants, which should arrive within the next two weeks. She felt once these have been installed, Staff can reach out to business owners regarding the removal of sandwich board signs.

With regard to the Downtown wall, Town Manager Connors noted that most of these areas have sidewalk café tables which limit pedestrians' ability to sit on the wall. She suggested that the Town consider placing benches in front of the wall at locations without sidewalk café space.

Mayor Vincent also requested additional information regarding the current rules for removal of umbrellas and tables from sidewalk café areas. Town Manager Connors replied that before the Downtown renovation, sidewalks were pressure-cleaned twice per week, and businesses were required to remove their furniture for this purpose. The current in-season contract provides pressure cleaning three days per week. She noted that pressure cleaning is done very early in the morning to prevent disruption to the businesses, and furniture must be removed in advance of this cleaning.

Mayor Vincent noted that lights have been installed on the new pedestrian walkway on Commercial Boulevard, and lighting is doubled on A1A. The second light provided on the restaurants' side of the roadway is extremely bright, and businesses have requested adjusting or removing this light. Deputy Town Manager/Public Works Director Rubach confirmed that he has spoken with the Town Architect as well as a representative from the lighting company, who indicated these lights can be dimmed.

Vice Mayor Malkoon was in favor of consideration of benches in front of the wall, as there are pedestrians who need access to seating in order to rest. He also asked if

Downtown businesses are required to keep their front areas and sidewalk café spaces clean. Town Manager Connors confirmed that the businesses are supposed to maintain these areas when they are not pressure cleaned.

Commissioner Oldaker asked if there are any organizational requirements for where sidewalk café furniture is stored when it is removed for pressure cleaning. Deputy Town Manager/Public Works Director Rubach replied that this depends on the space available to individual businesses. Town Manager Connors added that Staff is working with the businesses on this detail as part of the sidewalk café license agreement, as well as a means to ensure egress. More information will be brought back to the Commission in January 2024.

c. September 2023 Finance Report

Director of Budget and Finance Lucila Lang stated that the September 2023 report is preliminary, as all expenses and categories have not been posted. The Town's auditors are working on this year's audit, and final numbers will be available once this process is complete. She noted that all income categories came in at or over budget, while all expense categories were within budget.

Director of Budget and Finance Lang added that the LPR incident described in the Town Manager's Report has already been communicated to the insurance company.

Commissioner Oldaker asked if revenue from the South Ocean lot has increased. Director of Finance and Budget Lang confirmed that this will be provided to the Commission. The next payment of \$800,000 will be due in May 2024.

Director of Budget and Finance Lang continued that she and Town Manager Connors recently met with the regional president of Truist Bank. They expressed disappointment with the activities of the new treasury manager, as well as with the banking center. Truist has come back with some potential opportunities, including possible increases in interest. Follow-up meetings will be held and this information brought back to the Commission as it becomes available.

Commissioner Oldaker observed that he was pleased to hear there may be increases to the Town's interest income.

9. TOWN ATTORNEY REPORT

Mayor Vincent recalled that he had read a recent article concerning insurance and reserve legislation for condominium owners. Town Attorney Susan Trevarthen replied that the Town's lobbyist report mentioned a bill that would allow for the purchase of insurance for the actual current value of a roof rather than its replacement value.

Town Manager Connors reported that a bill has been proposed at the state level relating to vacation rental properties. The Town adopted part of its legislation related to these properties in 2009, adding different types of properties in 2011. The 2009 Town legislation would be grandfathered under the proposed bill, although the 2011 legislation, which applies to three- and four-unit buildings, would not. The Town's advocacy team keeps Staff apprised of activities related to this legislation, and has indicated that the legislation is likely to be adopted in 2024.

Town Manager Connors noted that the state hopes to regulate both license and inspection fees. She has asked the Development Services Director to reach out to the Town's building inspection company, as there is also pending legislation which may affect building permits.

10. APPROVAL OF MINUTES

a. Approval of Minutes for November 14, 2023

Commissioner Pouloupoulos made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

11. CONSENT AGENDA

- a. Resolution 2023-69: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE TRANSFER OF OWNERSHIP OF A POLARIS VEHICLE TO BROWARD COUNTY SHERIFF'S OFFICE; AUTHORIZING EXECUTION OF THE AGREEMENT TO TRANSFER THE POLARIS VEHICLE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**
- b. Resolution 2023-63: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR SOLAR**

POWERED RECTANGULAR RAPID FLASHING BEACON (RRFB) CROSSWALK SIGNAGE IMPROVEMENTS WITHIN THE RIGHT OF WAY OF STATE ROAD A1A – 1800 SOUTH OCEAN BOULEVARD; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve the Consent Agenda. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- b. Resolution 2023-68: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO THE AGREEMENT WITH CONCEPTUAL COMMUNICATIONS, LLC FOR PUBLIC INFORMATION OFFICER SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Assistant to the Town Manager Easley stated that this Item is an amendment to the Town's current agreement with Conceptual Communications, LLC. The Town hired this firm in March 2022 to provide public information services. Since that time, the team has successfully expanded the Town's public information capabilities to help them reach and engage with more residents, businesses, and stakeholders.

In the previous year, Conceptual Communications, LLC operated under two contracts. One contract was for marketing services while the second was for public information services. The marketing services contract expired in August 2023, while the public information contract is valid through March 2025.

The group provides the Town with excellent customer service and technical continuity, which could be disrupted by a new vendor. Staff recommends that the Town amend its current public information services contract with Conceptual Communications, LLC to house all of their public communication needs. Some of the proposed amendments include services already provided by Conceptual, such as creation of a crisis communication plan, management of media relations, distribution of Town Commission recaps, development of quarterly Town newsletters, maintenance of the Town's website, and many other communications services. Staff recommends approval of the Resolution.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

c. Dive Into Summer 2024

Senior Special Events and Marketing Coordinator Anderson recalled that 2023 was the inaugural year of the Town's Dive Into Summer event, which represented a transition from the previous Bugfest annual event. This music festival benefits SCUBA for Good, which is a 501(C)3 charitable organization which raises funds to make adaptive diving more accessible for adults, children, and veterans with disabilities.

The 2023 Dive Into Summer event was held on the last weekend of July, which coincided with the lobster mini-season. In 2024, however, the Town proposes an earlier date of Saturday, June 1, 2024, with a time frame of 3 p.m. to 9 p.m. The proposed location is the parking lot of El Prado Park.

The schedule of events will have large tents set up in El Prado Park during the day on Friday, May 31, 2024, with further setup occurring Saturday morning. The vendor village will set up at 1 p.m., with the event kicking off at 3 p.m. In 45-minute increments, five different bands will follow, culminating with a headliner from 7 p.m. to 9 p.m.

In 2023, a single large tent was set up on the north end of the El Prado Park parking lot to cover food vendors and provide additional shade. After reevaluation, the Town plans to use individual tents in 2024 so the parking lot can reopen more quickly following the breakdown of festivities.

The Dive Into Summer event will include live music performances, local food and beverage stations, and a vendor village comprised of local artisans and coastal-centric businesses. SCUBA For Good will obtain a license and insurance to sell alcohol and will

retain the profits to support their charitable efforts. They will also hold an auction, which will be coordinated with Staff. More details will be provided to the Commission as the event draws near.

Town Staff recommends approval of the 2024 Dive Into Summer event for Saturday, June 1, 2024.

Vice Mayor Malkoon made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

The following Item was taken out of order on the Agenda.

18. QUASI JUDICIAL PUBLIC HEARINGS

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

- a. Case Number 2023-L2-AA-03: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 4 “Adjustments to the Code – Procedures and Requirements,” Section 30-128 “Administrative adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment to permit a 1.7 foot extension of the existing garage into the required 25 foot front setback for the subject property located at 291 Imperial Lane.**

Development Services Director Jhanelle Campbell explained that the request is for a Level II Administrative Adjustment to permit an encroachment into a required front setback. The property owner proposes an extension to their existing garage.

The existing property is a single-family home in the RS-4 zoning district, located along the Intracoastal Waterway. It was constructed in the mid-1990s. The same property came before the Commission a few months ago requesting a variance for the construction of a gate.

The Applicant requests a 1.7 ft. encroachment into the required 25 ft. setback. This would create a total encroachment of 2.33 ft. Administrative adjustments allow for 33%

of the required setback, which is up to 7.5 ft. The request is significantly below the maximum threshold that can be provided through an administrative adjustment.

Development Services Director Campbell showed a diagram of the location of the proposed encroachment. The existing garage would be extended by 1.7 ft., which would remain beneath the garage's eaves. There would be no extensive change to the physical appearance of the structure.

Staff evaluates several criteria for an administrative adjustment under Section 3-128 of Town Code. Based on Staff's evaluation of the Application against these criteria, Staff recommends approval of the request.

The Application was presented to the Town's Planning and Zoning Board on December 4, 2023. That advisory body also recommended approval of the Application by a vote of 5-0.

In accordance with Code, notice was posted on the subject property, on the Town's website, and sent to surrounding property owners. Staff has received no communication for or against the Application.

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

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Strauss wished happy holidays to Town residents and encouraged them to attend the Farmers Market on December 17, 2023.

Commissioner Pouloupoulos thanked the Town for allowing him to serve as Commissioner and acknowledged what the Commission and Staff have accomplished during his tenure. He also wished happy holidays to all present.

Vice Mayor Malkoon thanked Town Staff for their work on Christmas-By-The-Sea. He encouraged everyone to reach out to their neighbors during the holidays. He also wished all the candidates good luck in the upcoming election.

Commissioner Oldaker thanked the other elected officials on the dais, emphasizing that their work is a team effort. He also wished happy holidays and safe travels to all present.

Mayor Vincent thanked Commissioner Pouloupoulos for his comments as well as his service as Commissioner. He also wished the best of luck to all candidates for office.

d. Town Manager Annual Review

Mayor Vincent noted that the Commissioners have received backup materials related to the Town Manager's annual review.

At this time Mayor Vincent opened public comment.

Ron Piersante, resident, stated that he had reviewed the Commissioners' scoring sheets for the Town Manager's review. He agreed with their overall evaluations, pointing out that while he may have had concerns in the past regarding relations with the public, the Town Manager has been very responsive. He cited her work on the Downtown project in particular, as well as the Town's change to Pompano Beach Fire/Rescue and concluded that Town Manager Connors has done an outstanding job.

With no other individuals wishing to speak at this time, Mayor Vincent closed public comment.

Mayor Vincent reviewed the weighted scores from the Commissioners, which averaged to a score of 4.73 out of 5. He acknowledged that there is always an opportunity for improvement and suggested that tonight's meeting may provide an opportunity to extend the Town Manager's contract based on the positive ratings of her performance. He requested input from the Commission as well as the Town Manager on this suggestion.

Vice Mayor Malkoon proposed that the Commission appoint a liaison to negotiate some items that could be added to the Town Manager's contract. He pointed out that the Town Manager completed the Downtown project on time and on budget, successfully changed a public safety provider, and has made herself available to the Commission, residents, Staff, and businesses on a daily basis.

Commissioner Poulopoulos also noted the success of 2023, which included a number of major projects. He was comfortable with proceeding in whatever manner the Town Manager wished with regard to handling her contract, including an extension.

Commissioner Strauss advised that he did not feel the performance evaluation was useful or necessary because he is able to reach out directly to the Town Manager at any time for discussion. He added that he would be willing to negotiate the contract further with the Town Manager on a one-on-one basis, noting that significant improvements have been made since the previous evaluation. He also agreed with the proposed contract extension.

Commissioner Oldaker observed that he worked with the Town Manager in her previous capacity as Development Services Director, which was not an easy department to manage. While they do not always agree on all issues, he asserted that he has never doubted the Town Manager's ability and leadership.

Mayor Vincent concluded that there was Commission consensus to have Commissioner Strauss continue contract discussions with Town Manager Connors and bring that contract back to the Commission at the next meeting.

Town Manager Connors stated that she could not have succeeded without the assistance of an excellent Town Staff.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:17 p.m.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
December 12, 2023

Mayor Chris Vincent

ATTEST:

Town Clerk

Date



Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: OLD BUSINESS

Subject Title: Sidewalk Cafe Discussion- Fees

Explanation: With the completion of the downtown enhancement project, businesses are enjoying a larger sidewalk café area. As such, the Development Services team has met with all restaurants affected by the sidewalk café expansion to update their sidewalk café agreements. The current fee for use of the sidewalk for dining in the eastern plazas is \$18 per square foot. This fee was first adopted by Resolution 2014-30 in 2014 (**Exhibit 1**).

With the idea of offsetting the Town's cost of cleaning the downtown area, the Town Commission established a cleaning fee for sidewalk cafés in 2021 (**Exhibit 2**). Although this fee was established, we have yet to assess it because of the onset of the COVID-19 pandemic and the downtown construction. The cleaning fee is \$00.04 per square foot. If enacted, the annual cost for a sidewalk café would range from a low of \$787 to a maximum of \$7,450 annually.

Now that the expansion is completed, Staff has calculated the new fees including the expanded sidewalk-cafe areas and costs for cleaning. The new fees are provided below in Table 1 and will be included in their new sidewalk café agreements that will be finalized this month.

Table 1

Business Name	New Sidewalk Café (Sq. Ft)	New SW Café Fees \$18 per Sq. Ft.	Total Cleaning Fee Per Year	FY 24 Sidewalk Café Fees (Including Cleaning Fee)	SW Café Increase
101 Ocean	656	\$11,808.00	\$3,227.52	\$15,035.52	\$5,693.52
Aruba Beach Café	672	\$12,096.00	\$0.00*	\$12,096.00	\$0.00
Boston Beef	160	\$2,880.00	\$787.20	\$3,667.20	\$790.80

Even Keel Fish Shack	1,329	\$23,922.00	\$6,538.68	\$30,460.68	\$19,192.68
Gelato-Go	106	\$1,908.00	\$521.52	\$2,429.52	\$971.52
Harats By The Sea	1,355	\$24,390.00	\$6,666.60	\$31,056.60	\$31,056.60
Kilwin's Ice Cream	335	\$6,030.00	\$1,648.20	\$7,678.20	\$7,678.20
Mulligan's	401	\$7,218.00	\$1,972.92	\$9,190.92	\$1,972.92
Pizza On The Beach	357	\$6,426.00	\$1,756.44	\$8,182.44	\$6,562.44
Sloan's Icecream	196	\$3,528.00	\$964.32	\$4,492.32	\$2,044.32
Taco Craft	1,516	\$27,288.00	\$7,458.72	\$34,746.72	\$17,898.72
Village Grille	267	\$4,806.00	\$1,313.64	\$6,119.64	\$1,313.64
Vinnies	716	\$12,888.00	\$3,522.72	\$16,410.72	\$10,650.72

As is illustrated above, the institution of the sidewalk café cleaning fee would result in a significant increase in costs for businesses, even with the waiver of the first two quarters of sidewalk café fees already being instituted. Because the businesses are already absorbing the larger sidewalk café charges, staff recommends that the Town Commission removes the requirement for cleaning fees and maintain the \$18 fee. If the Commission's desire is to continue charging for cleaning, staff suggests an increase to the base \$18 fee and removing the separate cleaning cost so that there is a more consistent way to bill the businesses. In any event, the staff has waived the cleaning fee for Aruba Beach café because their sidewalk café is elevated, and the Town does not clean this area.

Recommendation: Town staff recommends removing the sidewalk café cleaning fee from the Town code and amending the fee schedule to remove the cleaning fee. The businesses would only be charged the existing rate of \$18 per square foot for the eastern plazas and \$10 per square foot for the western plazas annually. If directed to remove the sidewalk café cleaning fee from the Town Code, Staff would return with an updated Ordinance and fee resolution at a future Town Commission meeting.

Exhibits:

1. Resolution 2014-30 Development Service Fees
2. Ordinance 2021-07 Establishing Cleaning Fee
3. Resolution 2021-67 - Sidewalk Cafe Fees

Resolution 2014-30

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,
PROVIDING FOR FEES FOR DEVELOPMENT REVIEW
PERMITS AND LICENSES RELATED TO ENGINEERING,
PORTABLE STORAGE UNITS, NEWSRACKS, SIDEWALK
CAFES, DEVELOPMENT APPLICATIONS, AND CODE
MITIGATION; PROVIDING FOR CONFLICTS,
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, fees for permits and licenses are currently located throughout the Town
Code of Ordinances (the “Code”); and

WHEREAS, fees are referenced in the code in an inconsistent manner; and

WHEREAS, a number of applications, services and permits do not have a fee associated
with them, but require significant work by the Town; and

WHEREAS, the Town desires to update the fee schedule, provide for missing fees and
consolidate fees into a single location by adoption of a resolution to simplify implementation and
eliminate duplication.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF
THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

SECTION 1. Recitals. Each “WHEREAS” clause set forth is true and correct and
herein incorporated by this reference.

SECTION 2. Fees. Pursuant to Sections 6-8.1, 6-73, 17-16 and 30-53 Lauderdale-By-
The-Sea Code of Ordinances, development review permit and license fees, as shown on the
schedule below, is hereby adopted¹:

¹ Bold text denotes new fees.

Resolution 2014-30

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Development Review Permit and License Fee Schedule		
	Type of Activity	Fee
1.	Engineering Fees (Chapter 6)	
	Engineering Plans (Section 6-73)	
	Projects up to \$100,000.00	\$300.00
	Projects \$100,000.01 – \$300,000.00	\$500.00
	Projects over \$300,000.01	\$800.00
	Public ROW/Utility Easements (Section 6-74)	4% of estimated construction price with minimum fee of \$400
2.	Portable Storage Unit Provisions (Chapter 6)	
	Permit application: Single family/duplex zoning	\$25.00
	Permit application: Multi-family, commercial or PUD	\$50.00
3.	News racks (Chapter 17)	
	Certificate of Compliance	\$50.00
4.	Sidewalk Café (Chapter 17)	
	<u>Outdoor dining</u> (Non-refundable application fee on private property)	\$150.00
	<u>Sidewalk Café</u> (Non-refundable application fee on public property)	\$175.00
	Annual Permit Fee	
	Seating capacity from 1 to 15	\$105.00
	Seating capacity from 16 to 50	\$150.00
	Seating capacity from 51 or more	\$225.00
	Right-of-Way (ROW) License Fee (<u>Begins on the 13th month after the ROW permit is approved. Not available to an affiliated business at the same location.</u>) (<u>Applicable after the first year of operation, not to exceed 12 months for</u>	<u>\$1.50 per square foot per month</u> <u>\$18 per square foot per year or</u> <u>\$10 per square foot per year</u>

Resolution 2014-30

Development Review Permit and License Fee Schedule		
	Type of Activity	Fee
	any one business,)	<u>for restaurants in the four West Commercial Plazas.</u>
5.	Chapter 30 (Development Review)	
	Architectural Review (30-9)	Consultant review fee
	Board of Adjustment	
	Appeals of Administrative Decision	\$900
	Variance Application	\$350
	Development Review	
	Conditional Use	\$900 <u>\$500</u>
	Conditional Use <u>Level 1</u> Amendment	\$150 <u>\$55</u>
	<u>Conditional Use Level 2</u> Amendment	<u>\$150</u>
	DRC Pre-Application Meeting	\$250
	Easement/ROW Vacation	\$500
	Flex Allocation/Reserve	\$150
	Land Use Plan Amendment	\$900
	Parking Exemption/Reduction	\$250
	Parking Other Than On-site Review	\$250
	Planned Unit Development	\$1,800
	Plat	\$900
	Request for Extension	\$55
	Rezoning	\$900
	Sign	
	Permanent (Zoning Review)	\$50
	Temporary Sign	\$30
	Site Plan	
	New submittal	\$900
	Minor Amendment <u>Level 1 Modification</u>	\$150
	Major Amendment <u>Level 2 Modification</u>	\$450 (½ cost of site plan application)

Resolution 2014-30

Development Review Permit and License Fee Schedule		
	Type of Activity	Fee
	Zoning Letter	\$55
	Plan Copies	\$40 deposit, any additional copy charges incurred due at pickup
	Telecommunication Towers and Antennas	
	Application	\$0
	Vacation Rental Certificate (New and Renewal)	
	Application	\$250
	Inspection (required), Re-Inspections and No Show Inspections	\$75
	Inspection, Re-Inspections and No Show Inspections due to Code Violation	\$75
	Appeal from Revocation or Suspension of Vacation Rental Certificate or of Vacation Resident Agent Status	\$500
6.	CODE MITIGATION (Resolution 2014-22)	
	Application for Code Lien and Fine Mitigation	\$250 <u>500</u>
	Application for Code Lien and Fine Mitigation prior to compliance	\$500

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SECTION 3. Conflict. All resolutions or parts of resolutions in conflict herewith, including specifically, Resolution 2013-02, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

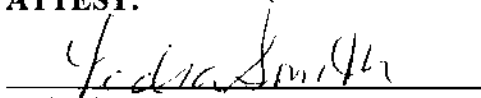
Resolution 2014-30

38 **SECTION 5. Effective Date.** This resolution shall become effective upon passage and
39 adoption.

40 **PASSED AND ADOPTED** this 23 day of September, 2014.

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44 **MAYOR SCOT SASSER**

44 **ATTEST:**

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47 Tetra Smith, Town Clerk
48 (CORPORATE SEAL)

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51 **Approved as to form:**

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53
54 Susan L. Trevarthen, Town Attorney
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ORDINANCE 2021-07

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA AMENDING CHAPTER 17,
“STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,”
ARTICLE VI, “SIDEWALK CAFÉS” TO MODIFY
REGULATIONS RELATED TO MAINTENANCE OF RIGHT
OF WAY; PROVIDING FOR CODIFICATION; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CONFLICTS;
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 amend the Town Code to modify the maintenance of right of way provisions related to Sidewalk Cafés; and

WHEREAS, the Town Commission has determined that this Ordinance is in the best interest of the Town and its residents.

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

Section 1. Recitals. The foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment. That Chapter 17, “Streets, Sidewalks, and Other Public Places,” Article VI, “Sidewalk Cafés” of the Town’s Code of Ordinances attached hereto is hereby amended..

Section 3. Amendment. That Chapter 17, “Streets, Sidewalks, and Other Public Places,” Article VI, “Sidewalk Cafés” of the Town’s Code of Ordinances is hereby created to read as follows¹:

Sec. 17-89. Sidewalk café permit standards and requirements.

(d) *Maintenance of the right-of-way.*

- (1) The Town Manager or designee shall designate a maintenance area, including portions of the ROW covered by the sidewalk café permit.
- (2) The permittee shall be responsible for removal of stains in the designated maintenance area, including but not limited to those caused by dirt, grease and food or beverages.
- (3) The maintenance area shall be cleared of all debris as may be necessary throughout the course of the day, and then again at the close of each business day.
- (4) The permittee will be charged at a rate established by the fee awarded to the right-of-way cleaning contractor for regular cleaning of the maintenance area, including portions of the right of way covered by the sidewalk café permit.
- ~~(4)~~(5) The permittee will be charged for the costs of materials and labor that may be necessary to replace any and all landscaping, paving and other public improvements which are damaged and/or stained resulting from the operation of the sidewalk café. The cost of labor and materials calculated under this section shall be premised upon the same quality of materials and workmanship previously approved and utilized by the Town for landscaping, paving and other public improvements.

Section 4. 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.

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

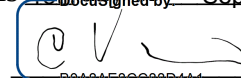
Section 5. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this 27th day of July, 2021.

Passed and adopted on the second reading, this 13th day of September, 2021.



MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	<u>Aye</u>	<u>Aye</u>
Vice-Mayor Sokolow	<u>Aye</u>	<u>Aye</u>
Commissioner Malkoon	<u>Aye</u>	<u>Aye</u>
Commissioner Oldaker	<u>Aye</u>	<u>Aye</u>
Commissioner Strauss	<u>Aye</u>	<u>Aye</u>

ATTEST:

DocuSigned by:



Tedra Allen, Town Clerk

(CORPORATE SEAL)

APPROVED AS TO FORM:

DocuSigned by:



Susan L. Trevarthen, Town Attorney

WHEREAS, Chapter 1 “General Provisions,” Section 1-13 “Fees,” of the Code of Ordinances provides that, except as otherwise provided by the Code or other applicable laws, fees related to any process or approval established by the Code (including but not limited to service, application, permit, license and user fees) may be established, repealed or amended by resolution of the Town Commission; and

WHEREAS, On September 24, 2012, the Town Commission adopted Resolution 12-35 establishing fees for the Rental of Jarvis Hall; and

WHEREAS, On April 9, 2013, the Town Commission adopted Resolution 2013-
ing land development application, permit and license fees; and

WHEREAS, On August 20, 2013, the Town Commission adopted Resolution 35 which amended the Development Review Permit and License Fee Schedule to the newly adopted application procedures as well as several existing applications that did not have a fee associated with them but require significant work by the Town;

WHEREAS, On November 12, 2013, the Town Commission adopted Resolution 16 amending the Development Review Permit and License Fee Schedule to set fees for permit extensions and new development procedures; and

28 **WHEREAS**, On September 23, 2014, the Town Commission adopted Resolution
29 2014-20 revising fees for the Rental of Jarvis Hall and adopting and combining fees for
30 Parks and Special Events; and

31 **WHEREAS**, on September 23, 2014, the Town Commission adopted Resolution
32 2014-30 amending the Development Review Permit and License Fee Schedule to
33 consolidate fees and include missing fees; and

34 **WHEREAS**, on February 10, 2015 the Town Commission adopted Resolution
35 2015-05 which included fees related to Medical Marijuana Permits, Street Performers and
36 Vending pursuant to Ordinances 2014-15, 2015-01 and 2015-02 respectively; and

37 **WHEREAS**, Resolution 2015-05 also updated the Development Review Permit
38 and License Fee Schedule to establish additional fees for permits or reviews which require
39 Town staff and resources; and

40 **WHEREAS**, on June 9, 2015 the Town Commission adopted Resolution 2015-19
41 which established deposits for development review applications and fees for the removal
42 and storage of sidewalk café furniture; and

43 **WHEREAS**, on December 8, 2015, the Town Commission adopted Resolution
44 2015-52 which added deposits required for cost recovery fees and increased costs for
45 landscape applications and release of unpaid liens; and

46 **WHEREAS**, on May 24, 2016 the Town Commission adopted Resolution 2016-
47 20 which included an application fee for Right-of Way encroachments and increased
48 vacation rental application and renewal fees to more accurately reflect the costs of
49 application processing and monitoring of the vacation rental properties; and

50 **WHEREAS**, on November 15, 2016 the Town Commission adopted Resolution
51 2016-34 which categorized and structured its fee categories based on the implementing

department and adopted separate fee resolutions first for programs implemented by Development Services and second, by separate resolution, the Special Events Department; and

WHEREAS, on April 23, 2017, the Town Commission adopted Resolution 2017-13 to add an application fee for Payment in Lieu of Parking (PILOP) to cover application review for PILOP requests and an application fee for short term rentals to cover application review; and

WHEREAS, on June 13, 2017, the Town Commission amended the short term rental application and renewal fees to more accurately depict the costs associated with processing these applications; and

WHEREAS, on September 13, 2017, the Town deleted the fees associated with medical marijuana permits and uses which are no longer allowed in the Town; and

WHEREAS, on September 13, 2017 the Town deleted the annual sidewalk café permit fees and added a fee notice for FDOT permits for sidewalk cafés on FDOT right-of-way; and

WHEREAS, on September 13, 2017, the Town added deposit requirements for several of the applications and increased the application for conditional use to more accurately depict the costs associated with processing these applications.

WHEREAS, on December 12, 2017, the Town added a fee for lien mitigation applications which are to be reviewed by the Town Manager as established by Resolution 2014-22.

WHEREAS, the Town would like to add a fee for cleaning of the sidewalk five times per week to cover the cost of sidewalk maintenance in areas utilized by restaurant owners for outdoor seating.

76

77 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN**
 78 **COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA,**
 79 **FLORIDA:**

80 **SECTION 1. Fees.** Pursuant to Section 1-13, Lauderdale-By-The-Sea Code of
 81 Ordinances, the schedule of fees for Development Review Services are hereby adopted as
 82 follows¹:

Development Review Services Permit Fee Schedule		
	Type of Activity, Permit or License	Fee
Chapter 6 - Engineering Fees		
1.	Engineering Plans (Section 6-73)	
1a.	Projects up to \$100,000.00	\$300.00
1b.	Projects \$100,000.01 – \$300,000.00	\$500.00
1c.	Projects over \$300,000.01	\$800.00
2.	Public ROW/Utility Easements (Section 6-74)	4% of estimated construction price with minimum fee of \$400
3.	ROW Re-Inspection Fee	\$100
Chapter 6 - Portable Storage Unit Provisions		
4.	Permit application: Single family/duplex zoning	\$25.00
5.	Permit application: Multi-family, commercial or PUD	\$50.00
Chapter 6 - Extension of Construction Time Limits		
6.	Extension Application	\$500.00

¹ Text shown in underline reflects new or revised fees. Text shown in strikethrough reflects deleted fee amounts.

Chapter 14.5 - Vending/Soliciting		
7.	Vendor's application fee	\$75.00
8.	Annual Vendor's License fee	\$75.00
Chapter 17 - Vacating or abandoning streets, alleys or other dedicated property		
9.	Application fee per abandonment	\$500.00
Chapter 17 – News racks		
10.	Certificate of Compliance	\$50.00
Chapter 17 - Sidewalk Café and Outdoor Dining		
11.	Outdoor dining: Application fee (non-refundable) on private property	\$150.00
12.	Outdoor dining: Application to amend approved outdoor dining area	\$100.00
13.	Sidewalk Café application fee (non-refundable) on public property	\$175.00
14.	Town Right-of-Way (ROW) License Fee (Begins on the 13 th month after the ROW permit is approved. Not available to an affiliated business at the same location.)	\$18 per square foot per year or \$10 per square foot per year for restaurants in the four West Commercial Plazas.
14a.	<u>Sidewalk Café Cleaning Fee. (Begins immediately upon approval of the sidewalk café permit).</u>	<u>the contractual rate for the per square foot of approved sidewalk café area. Cleaning to be conducted 5 times per week</u>
15.	FDOT Right-of-Way (ROW) License Fee	Determined and collected by FDOT
16.	Sidewalk Café: Application to amend approved sidewalk cafe	\$100.00
16a.	Removal of Sidewalk Café furniture	\$100 per table/chair set (Maximum of \$500) + \$50 per day storage

16b.	Delivery fee for sidewalk café furniture	\$250
Chapter 30 - Development Review		
	Type of Activity, Permit or License	Fee/ Cost Recovery Deposit
17.	Administrative Adjustment	
17a.	Level 1	\$150 /plus deposit \$250
17b.	Level 2	\$350 /plus deposit \$400
18.	Architectural Review (30-951)	\$0/plus deposit \$250
19.	Appeals of Administrative Decisions	
19a.	Appeal of a Level 1 Development Review Decision	\$200/ plus deposit \$400
19b.	Appeals of Administrative Decision (single family)	\$350/ plus deposit \$400
19c.	Appeals of all other Administrative Decisions	\$900/ plus deposit \$400
19d.	Appeal from Revocation or Suspension of Vacation Rental Certificate or of Vacation Resident Agent Status	\$500/ plus deposit \$400
20.	Conditional Use	\$500 /plus deposit \$400
20a.	Conditional Use – Sign	\$100/plus deposit \$250
20b.	Conditional Use Level 1 Amendment	100/plus deposit \$250
20c.	Conditional Use Level 2 Amendment	\$150/plus deposit \$400
20d.	Conditional Use Transfer Fee	\$100
21.	Flex Allocation/Reserve	\$150
22.	Landscape Permit	
22a.	Single Family/Duplex	\$30
22b.	Multi-family, Hotel or Commercial	\$50/plus deposit \$250
23.	Land Use Plan Amendment	\$900/plus deposit \$400
24.	Parking Reduction	
24a.	Level 1	\$250 /plus deposit \$250
24b.	Level 2	\$400 /plus deposit \$2,000
25.	Parking Other Than On-site Review	\$250/plus deposit \$250
26.	Payment in Lieu of Parking (PILOP) Application fee Credited to PILOP payment	\$350/ plus deposit \$400

27.	Planned Unit Development	\$1,800/plus deposit \$2,000
28.	Plat	\$900/plus deposit \$2,000
29.	Request for Extension of Development Permit	\$150
30.	Rezoning	\$900/plus deposit \$2,000
31.	Right-of-Way Encroachment License	\$150
32.	Sign (Zoning Review)	
32a.	Permanent (window, wall, etc...)	\$50
32b.	Temporary Sign (banners)	\$30
32c.	Permit application – work w/o permit	Double fee
32d.	Removal of illegal signs from ROW	\$10 per sign (Town will hold sign for no more than 7 days, after which such signs shall be discarded)
33.	Site Plan	
33a.	New submittal	\$900 /plus deposit \$2,600
33b.	Level 1 Modification	\$150/plus deposit \$250
33c.	Level 2 Modification	½ cost of site plan application/plus deposit \$1,000
34.	Vacation and Short Term Rentals Certificate	
34a.	Vacation Rental (single family and townhome)	
1.	Registration Application	\$750
2.	Renewal	\$500 (short term rental renewal for FY18 waived)
3.	Re-Inspections and No Show Inspections (Each discipline)	\$75
34b.	Short Term Rental (2, 3 and 4 unit)	
1.	Registration Application	
.	First unit	\$750
	Each additional unit (submitted with the first unit)	\$300
2.	Renewal	
	First Unit	\$500
	Each additional unit (submitted with the first)	\$200
3.	Re-Inspections and No Show Inspections (Each discipline)	\$75
35.	Variances	
35a.	Variance Application, single family	\$350/plus deposit \$400

35b.	Variance Application, all other	\$900/plus deposit \$400
36.	Vested Rights Determination	\$150 /plus deposit \$400
37.	Zoning Letter	\$55
38.	Zoning Relief Request	\$500
Telecommunication Towers and Antennas		
39.	Application	No Charge

83

CODE MITIGATION (Resolution 2014-22)		
	Type of Activity, Permit or License	Fee
40.	Application to the Town Commission for Code Lien and Fine Mitigation)	\$500 application plus payment of all unpaid code compliance administrative fees properties owned by the applicant. Fee includes the release of mitigated liens.
41.	Application to the Town Manager for Code Lien and Fine Mitigation	\$150 application plus payment of all unpaid code compliance administrative fees on properties owned by the applicant.
Lien Release (Resolution 2015-51)		
42.	Application for Release of Unpaid Liens	\$500 for the first lien release and \$100 for each additional lien release request
MISCELLANEOUS		
43.	Lien Letters	
43a.	Lien Letter (issued w/in 10 business days)	\$50
43b.	Expedited Lien Letter (issued within 3 business days)	\$150
44.	Plan Copies	\$30 due at time of request, plus any additional copy charges incurred are due at pickup
45.	Code Appeal	\$500 plus administrative fee as established by the Special Magistrate

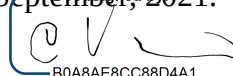
84

SECTION 2. Conflict. Resolution 2017-48 specifically, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 3. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 4. Effective Date. This Resolution shall become effective upon passage and adoption.

PASSED AND ADOPTED this 13th day of September, 2021.



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MAYOR CHRIS VINCENT

ATTEST:

DocuSigned by:



F79938A3E45D42E

Tedra Allen, Town Clerk

Approved as to form:

DocuSigned by:



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Susan L. Trevarthen, Town Attorney



Agenda Item No: 18.a.

Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Quasi Judicial Public Hearings

Agenda Section: QUASI JUDICIAL PUBLIC HEARINGS

Subject Title: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures And Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court (“Property”).

Explanation: This application (**Exhibit 1**) is a request for a Level 2 Administrative Adjustment to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 231 Shore Court. (**Diagram 1**).

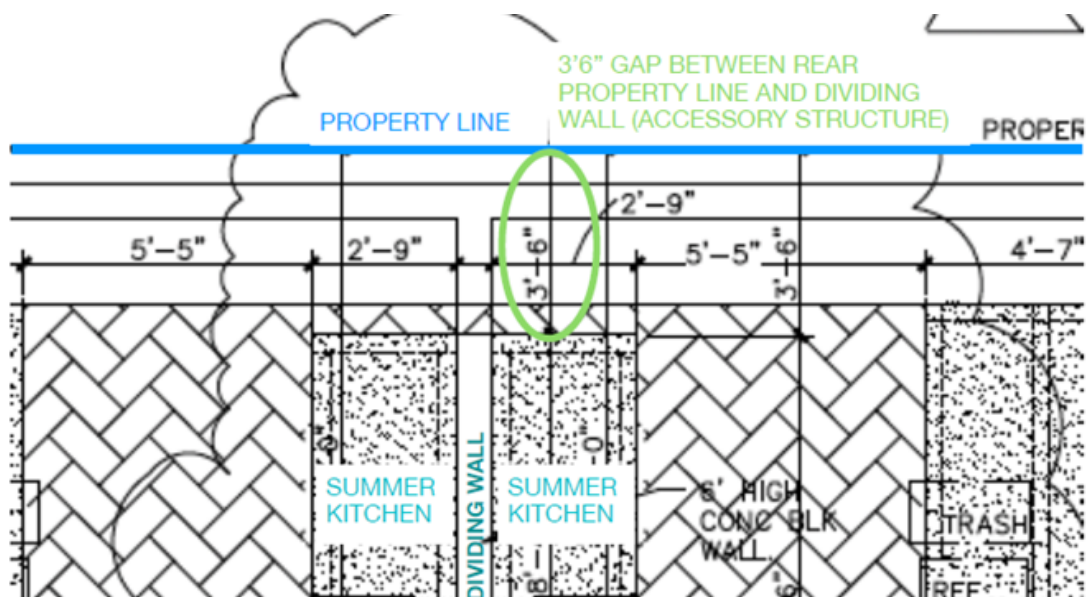
Diagram 1-Existing property



The Property is a parcel of land under construction, located within the RD-10 zoning district. The property is 8,671 SF (.20 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the constructed additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback which in this case is 1.5 feet.

Diagram 2



Notice was sent to the surrounding public in accordance with Town Code Section 30-139. The property was properly posted and notice was placed on the Town's website. To date, no correspondence has been received in favor of or against the administrative adjustment request.

The Planning and Zoning Board reviewed the application at its January 3, 2024 meeting (and voted to recommend **APPROVAL** of the request (**Exhibit 2**).

Recommendation: The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions (**Exhibit 3**):

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building

permit approved for the Property.

Exhibits:

1. 231 Shore Court App and Plans
2. Planning and Zoning Board Packet
3. 2023-L2-AA-04 231 Shore Court Development Order

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application Found Complete: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 241 Shore Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- c) In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way.
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the administrative Adjustment will be mitigated to the maximum extent practicable.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov



LAUDERDALE•BY•THE•SEA

Universal Development Application



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☒ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

Name of Agent (e.g. Contractor Representing the Project): SMH Construction

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBTs, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

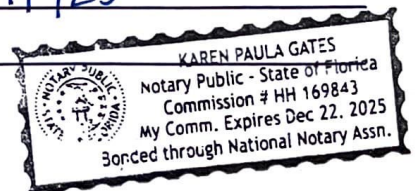
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023.

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates

Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant _____

State of Florida:

County: Broward

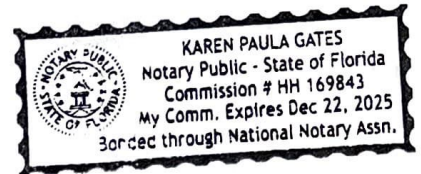


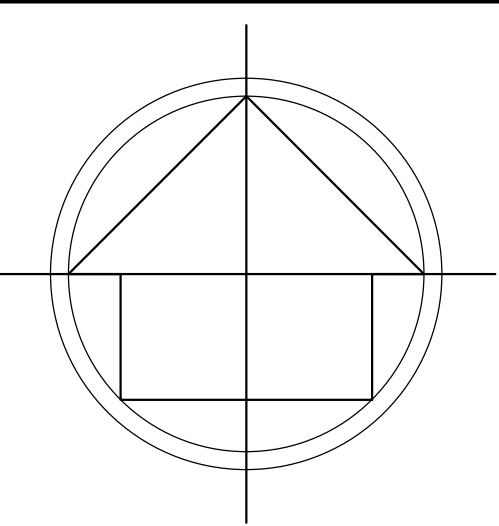
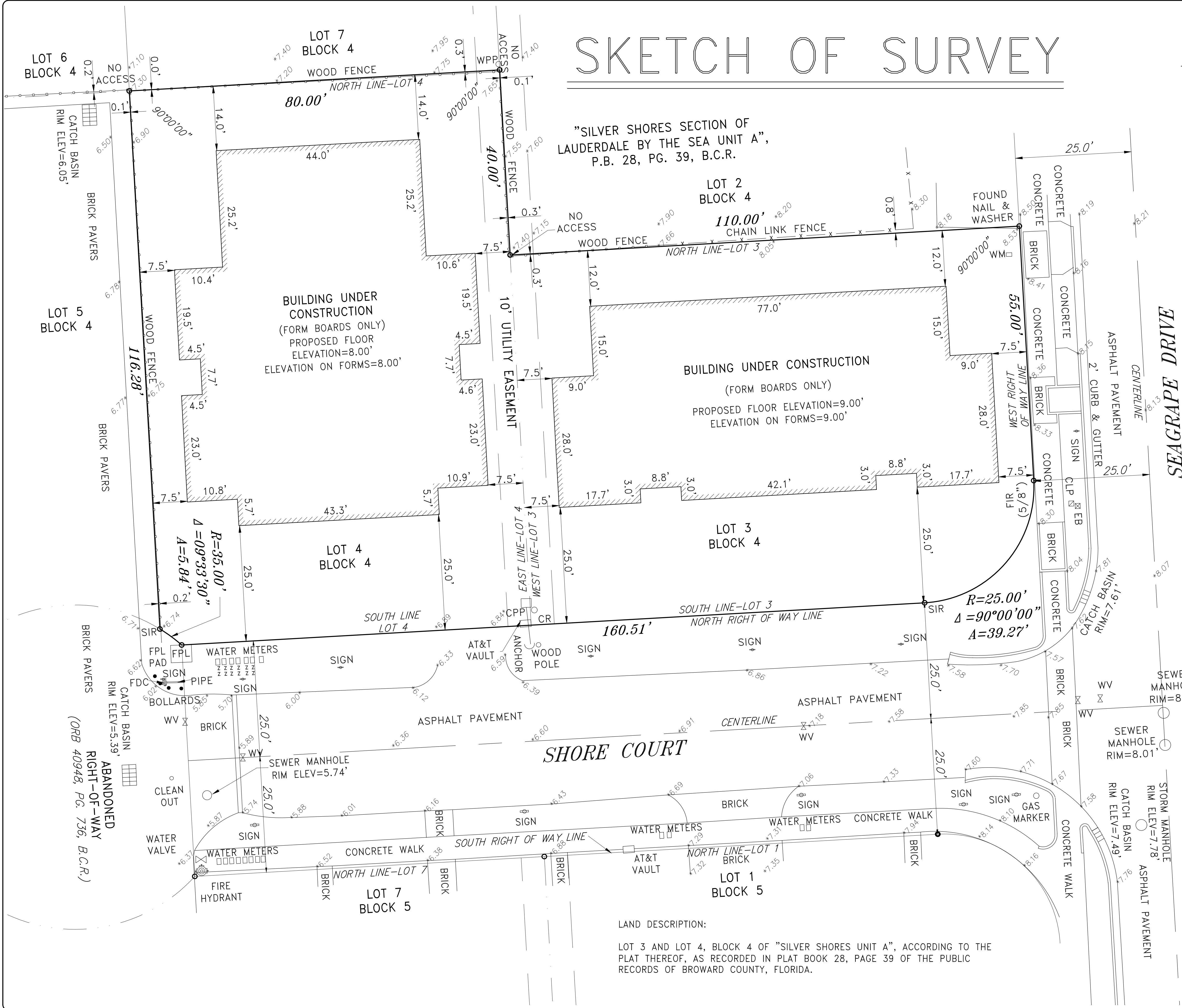
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

The person signing is ☐ personally known to me or has ☒ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates





FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120055
PANEL NUMBER	0378 H
ZONE	X
BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14

- LEGEND:
- | | |
|--------|--------------------------|
| CKD | CHECKED BY |
| CONC | CONCRETE |
| DWN | DRAWN BY |
| FB/PG | FIELD BOOK AND PAGE |
| SIR | SET IRON ROD & CAP #6448 |
| SNC | SET NAIL AND CAP #6448 |
| FIR | FOUND IRON ROD |
| FIP | FOUND IRON PIPE |
| FNC | FOUND NAIL AND CAP |
| FND | FOUND NAIL & DISC |
| P.B. | PLAT BOOK |
| B.C.R. | BROWARD COUNTY RECORDS |
| -X- | CHAIN LINK/ WOOD FENCE |
| ELEV | ELEVATION |
| EB | ELECTRIC BOX |
| CBS | CONCRETE BLOCK STRUCTURE |
| -E- | OVERHEAD UTILITY WIRES |
| A/C | AIR CONDITIONER |
| WPP | WOOD POWER POLE |
| CLP | CONCRETE LIGHT POLE |
| CPP | CONCRETE POWER POLE |
| CR | CABLE RISER |
| BFP | BACK FLOW PREVENTER |
| CO | CLEAN OUT |
| *3.85 | ELEVATIONS |
| A | ARC DISTANCE |
| R | RADIUS |
| Δ | CENTRAL ANGLE |

- NOTES :
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
 - THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
 - THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
 - UNDERGROUND IMPROVEMENTS NOT SHOWN.
 - ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

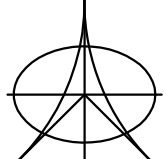
I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE : 12/27/22

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

CLIENT :

SKY 360

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

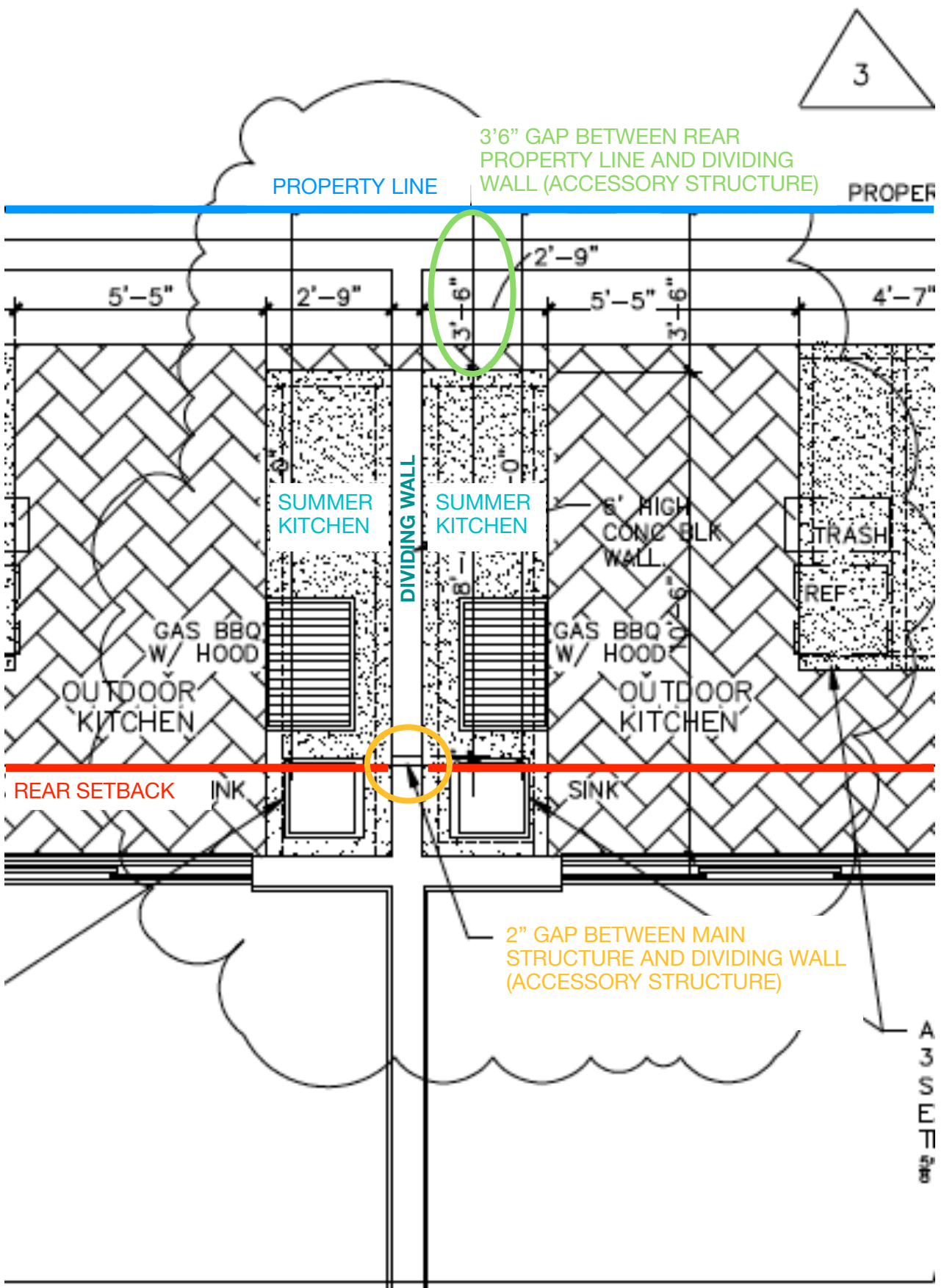
SKETCH OF SURVEY

REVISIONS		DATE	FB/PG	DWN	CKD
BOUNDARY & IMPROVEMENTS SURVEY		07/01/21	DATA/COLL	AM	REC
ADDITIONAL ELEVATIONS ADDED		04/27/22	DATA/COLL	JD	REC
FORM BOARD SURVEY		12/27/22	SKETCH	JD	REC

PROJECT NUMBER: 9587-21

SCALE : 1" = 10'

SHEET
1
OF
1
SHEET



SITE	
SD1	SITE PLAN
SD2	SITE DETAILS
L1	LANDSCAPE PLA
L2	IRRIGATION PLAN

C-1	EROSION CONTROL PLAN
C-2	P,D&G PLAN
C-3	DETAILS

A1	FIRST FLOOR PLAN
A1.1	SCHEDULES, OUTDOOR KITCHEN
A2	SECOND FLOOR PLAN
A3	THIRD FLOOR PLAN
A4	ELEVATIONS
A4.1	ELEVATIONS
A5	TYPICAL WALL SECTIONS
A6	TYPICAL WALL SECTIONS
A7	TYPICAL WALL SECTIONS

S1.0	FOUNDATION PLAN
S1.1	FOUNDATION NOTES AND SCHEDULES
S1.2	FIRE RATING DETAILS
S2.0	SECOND FLOOR SLAB
S2.1	SECOND FLOOR SLAB NOTES /SCHEDULES
S3.0	ROOFTOP PLAN
S4.0	PENTHOUSE ROOF PLAN

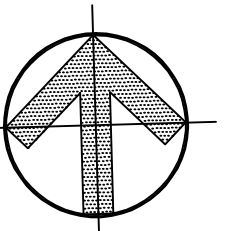
M1	FIRST FLOOR MECHANICAL PLAN
M2	SECOND FLOOR/ ROOFTOP MECHICAL PLAN
M3	NOTES AND SCHEDULES

E1	FIRST FLOOR ELECTRICAL PLAN
E2	SECOND FLOOR/ ROOFTOP ELECTRICAL PLAN
E3	SCHEDULES

P1	FIRST FLOOR PLUMBING GAS/ PLAN
P2	SECOND FLOOR PLUMBING/ GAS PLAN
P3	RISER DIAGRAMS



1. DRAINAGE SHALL BE INSTALLED AS PER CIVIL DRAWINGS



SD 1



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board

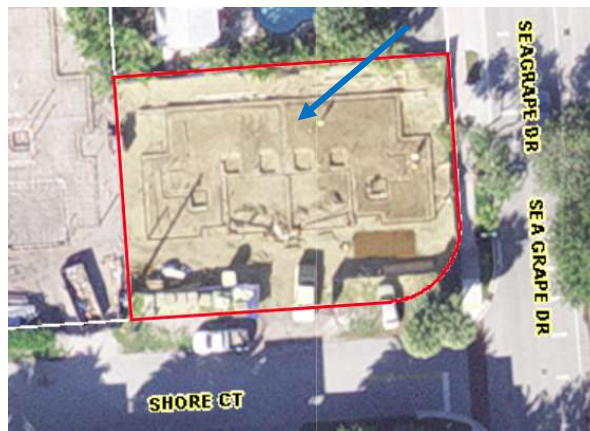
From: Jhanelle Campbell, Development Services Director

Meeting Date: January 3, 2024

Re: Case Number 2023-L2-AA-04: Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments" of the Town's Code of Ordinances ("Town Code"), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") by Sky 360 Development LLC (the "Applicant") to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 231 Shore Court (the "Property") (**Diagram 1**).

Diagram 1



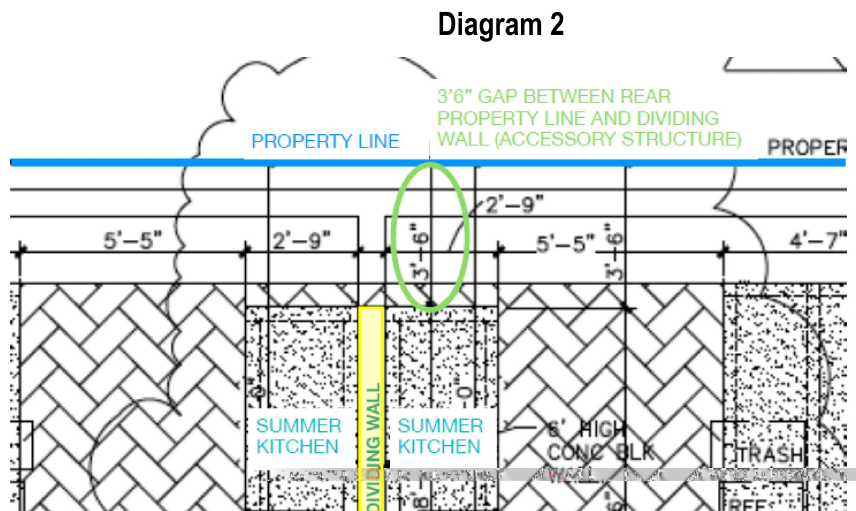
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Level 2 Administrative Adjustment

has been advertised, pursuant to Section 30-139 of the Town Code(**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a parcel of land under construction, located within the RD-10 zoning district (**Exhibit 3**). The property is 8,671 SF (.20 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the constructed additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback which in this case is 1.5 feet.



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) establishes Level 1 and Level 2 Administrative Adjustment standards that allow the Town Manager and Town Commission, respectively, to approve a reduction in parking standards and/or setback requirements. A Level 2 Administrative Adjustment is permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever is less (**Table 1**). The Town Code requires review by the Town Staff, Planning & Zoning Board, and Town Commission.

Table 1

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>231 Shore Court</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1.5 foot encroachment 30% of the 5 foot required setback is 1.5'

Criteria and Analysis

Section 30-128 of the Town Code states that an encroachment into the required setbacks shall be approved if the requested relief is within the limits specified in the Administrative Adjustments Thresholds Table and the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
Applicant response: The administrative adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
Applicant response: The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that "Accessory buildings and structures may not exceed 12 feet in height on any lot". The proposed dividing wall is 6 feet high.
Staff response: The criterion has been met.
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
Applicant response: There is no recorded or platted easement, or a Town right-of-way, in the rear of the property where the proposed dividing wall is located (please see survey provided for reference).
Staff response: The criterion has been met.
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:

- i. Required to compensate for some unusual aspect of the development site or the proposed development; or

Applicant Response: The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.

- ii. Supports an objective from the purpose statements of the zoning district where located; or

Applicant Response: Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing 'private courtyard' area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or

- viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

Applicant response: As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

Staff response: The criterion has been met.

- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,

Applicant response: The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

Staff response: The criterion has been met.

- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.

Applicant response: The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.

Staff response: The criterion has been met.

- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.

Applicant response: There are not adverse impacts to mitigate.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-313 (s) Accessory Buildings and Structures

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

Exhibit 5 – Applicant Narrative

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2023-12-AA-04

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 231 Shove Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- c) In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way.
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the administrative Adjustment will be mitigated to the maximum extent practicable.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov



LAUDERDALE•BY•THE•SEA

Universal Development Application



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☒ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

Name of Agent (e.g. Contractor Representing the Project): SMH Construction

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBT5, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

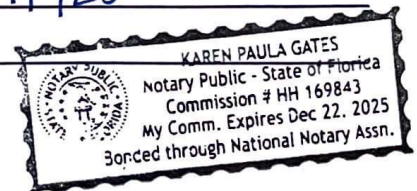
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12-22-25

Notary Signature: Karen Gates

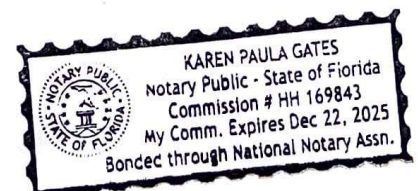
Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant Kylie Kuhl

State of Florida:

County: Broward



5/28/2020

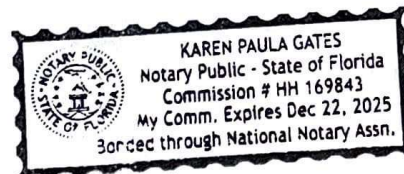
Universal Application

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

The person signing is ☐ personally known to me or has ☒ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates



FLOOD ZONE INFORMATION			
COMMUNITY NUMBER	120055	PANEL NUMBER	0378 H
ZONE	X	BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14		

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SIR	SET IRON ROD & CAP #6448
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
-X-	CHAIN LINK/ WOOD FENCE
ELEV	ELEVATION
EB	ELECTRIC BOX
CBS	CONCRETE BLOCK STRUCTURE
-E-	OVERHEAD UTILITY WIRES
A/C	AIR CONDITIONER
WPP	WOOD POWER POLE
CLP	CONCRETE LIGHT POLE
CPP	CONCRETE POWER POLE
CR	CABLE RISER
BFP	BACK FLOW PREVENTER
CO	CLEAN OUT
3.85	ELEVATIONS
A	RADIUS
R	CENTRAL ANGLE
Δ	

NOTES :

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 54 OF THE FLORIDA STATUTES, AND THAT I AM A LICENSED SURVEYOR UNDER THE FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: *Richard E. Cousins*

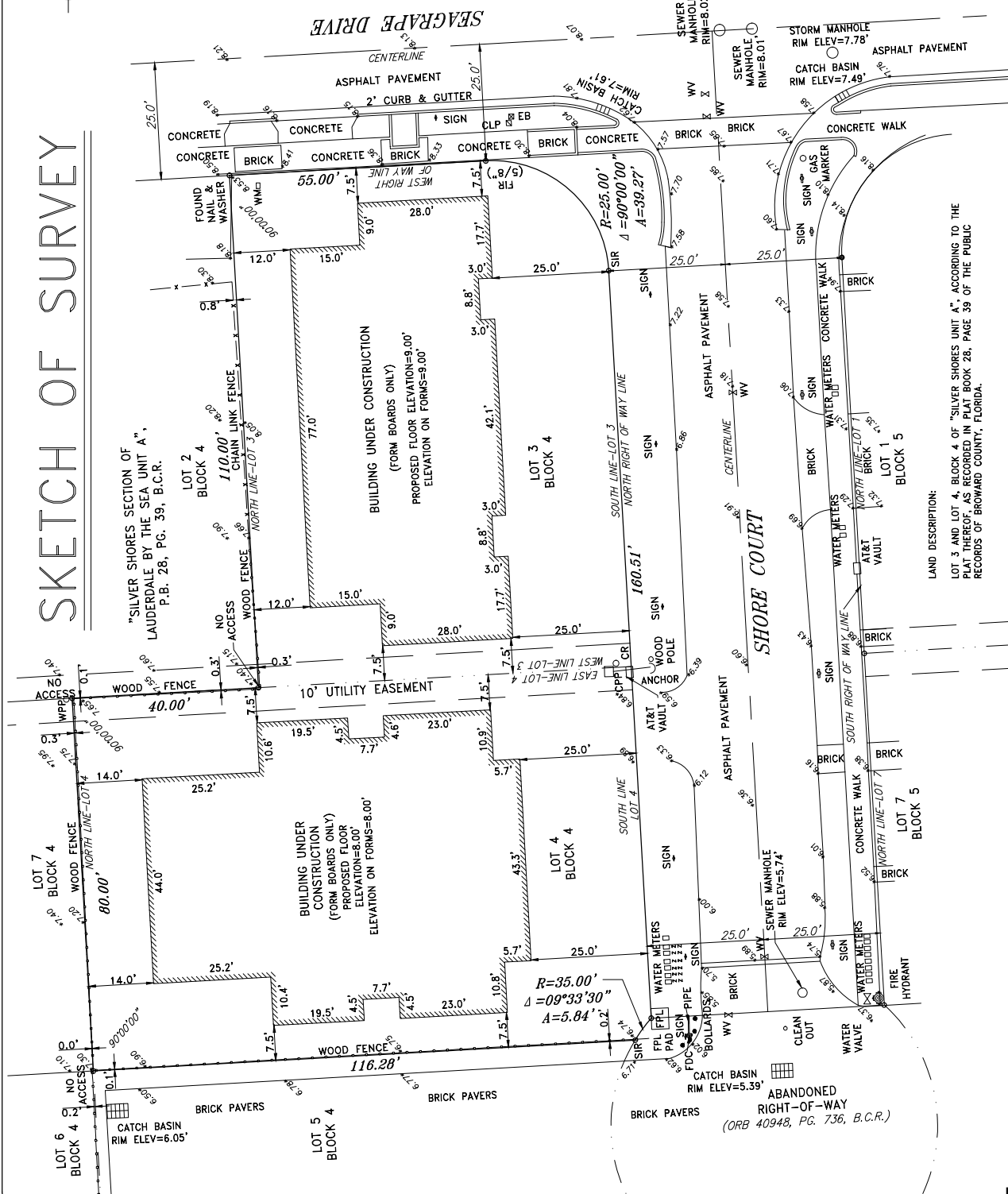
RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE : 12/27/22

DATE	FR	PG	DWN	CKD
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				

PROJECT NUMBER	SHEET
9897-21	1 OF 1
SCALE : 1" = 10'	

SKETCH OF SURVEY

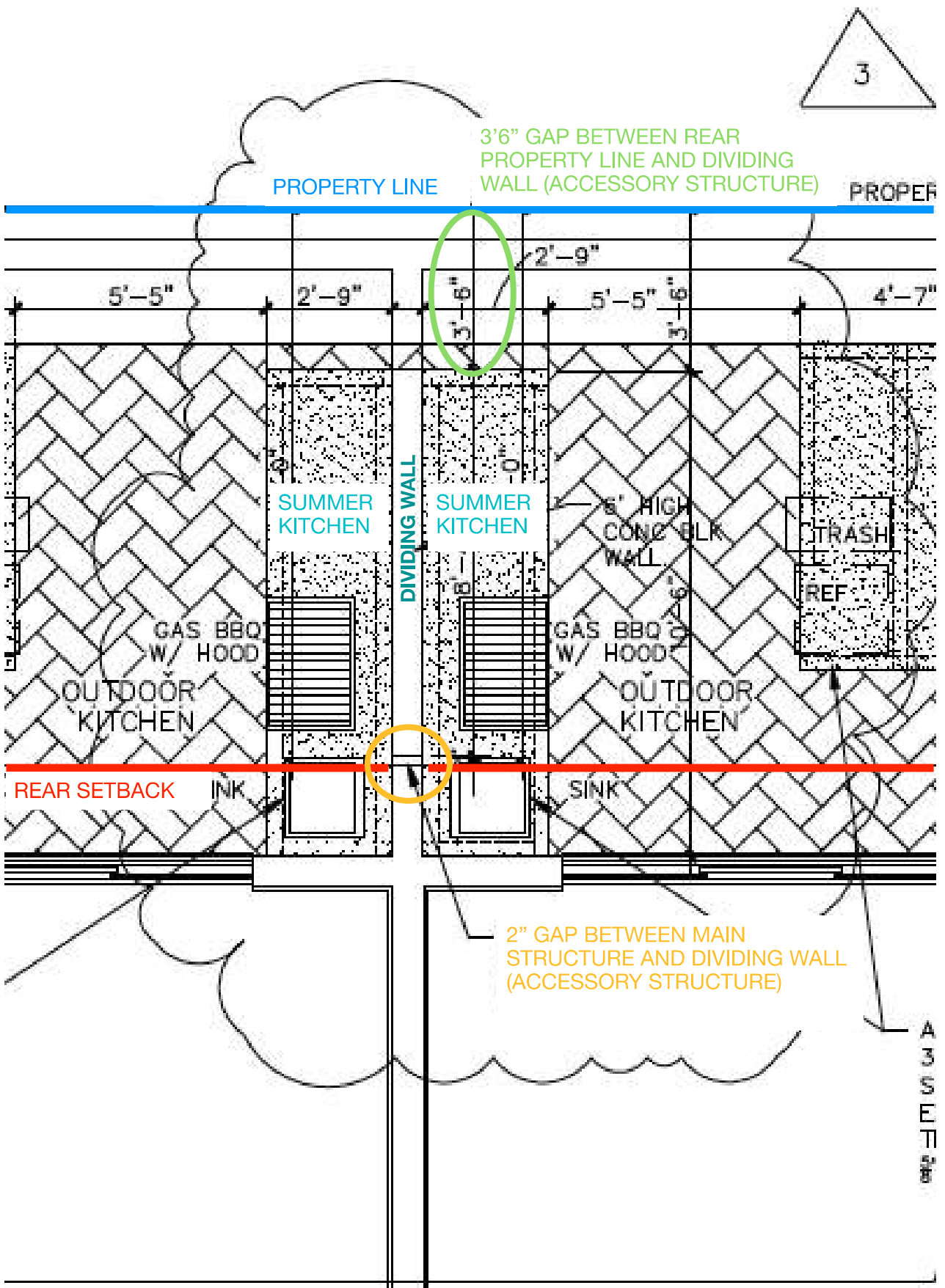


SKETCH OF SURVEY

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

CLIENT : SKY 360

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (354) 689-7766 FAX (354) 689-7799



Sec. 30-139. Notice of Public Hearings.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Applicant's name;
 - (2) The date, time, and place of the public hearing;
 - (3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;
 - (4) The nature, scope and purpose of the proposal being noticed;
 - (5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;
 - (6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and
 - (7) Other information as may be required by law.
- (b) *Mailed notice.*
- (1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.
 - (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (3) Property owners shall be determined by the ad valorem tax records of Broward County.
 - (4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.
 - (6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.
- (c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:
- (1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.
 - (2) Follow the timelines and ad type established in Table XXX in this article.
 - (3) For the purposes of this section and Table XXX:
 - a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.

-
- b. "Standard ad" shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.
- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:
- (1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.
 - (2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.
 - (3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.
 - (4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.
 - (5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.
 - (6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.
- (e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.
- (f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.
- (g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Public Participation Meeting	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
					Website	Posted	Mailed 300'	Published (Ad Type)
Administrative adjustments, appeals from administrative decisions, plats, site plans, variances		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single-family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (Standard)
Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification		n/a			n/a	n/a	n/a	n/a
Comprehensive Plan - Text	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Plan - Map	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
Land Development Code - all other Text Amendments	166.041	n/a	10 days	10 days	X			X (Standard)
Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	10 days	X	X	X	X (Standard)

(Ord. No. 2022-05, § 3, 8-24-2022)

Section 30-313

(s) *Accessory buildings and structures.*

- (1) On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures.
- (2) On a waterfront lot, side and rear setbacks abutting the water shall be the same as for the primary structure.
- (3) Accessory buildings and structures may not exceed 12 feet in height on any lot.
- (4) The aggregate floor area of all accessory buildings or land area under an accessory structure shall not exceed five percent of the plot area.
- (5) No accessory building shall contain more than 50 percent of the floor area of the principal building.
- (6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory buildings and structures in the commercial zoning district.

Sec. 30-128. - Administrative adjustments.

- (a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

- (b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment except that adjustments to the parking standards are not permitted in the B-1 or B-1-A zoning districts. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking standards (only permitted in residential zoning districts, see section 30-321 for relief in the B1/B1-A zoning districts)	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All other

- (c) *Level 1 Administrative Adjustments.*

- (1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

- (d) *Level 2 Administrative Adjustments.*

- (1) *Review of adjustment of parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- (2) *Review of adjustment of building standards.* A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Planning and Zoning Board.

- (e) *Criteria for Approval.*

- (1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table,

and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,
- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
- h. The Administrative Adjustment is consistent with the comprehensive plan.

(2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

(f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-04, § 2, 4-25-2017)

Administrative Adjustment Level 2
231 Shore Ct, Lauderdale by the Sea, FL, 33308

Description of the Request

The applicant is requesting an Administrative Adjustment for the property located at 231 Shore Ct, Lauderdale by the Sea, FL, 33308. On 7/15/2022 the new construction permit for the subject property was approved. The set of permitted plans included a dividing wall between the two duplex units extending to the rear property line. In October of 2023, it was brought to our attention that this component of our design is not code compliant. This was the case for four of our duplex projects in Lauderdale by the Sea. We have been able to resolve this issue on two of the four projects (4524 Seagrape Dr and 4306 E Tradewinds Ave). The issue is more difficult to resolve with the two duplexes located on Shore Ct. These two projects are significantly further along in the construction process, and the dividing walls have thus already been built. We are unable to remove the dividing wall between the duplex units for the following reasons:

- The wall has been constructed and contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. While we are able to overcome this on the other duplex projects (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending to the rear property line.
- All four units have been sold, and all four buyers expect us to deliver the product that we sold them, which includes the outdoor kitchens that were originally approved and permitted. The outdoor kitchens were a very key component of our marketing of these units. Additionally, creating an elaborate outdoor space on the first floor is one of the key ways that our design prevents homeowners from using their rooftops for recreational purposes which the code for RD-10 properties prohibits. A lot of thought went into this design, informed by market demands as well as code compliance considerations, and the permitted design was viewed by all as acceptable.

Sec 30-313 (s)(1) states that “On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures”. Our proposed site plan revision separates the dividing wall from the main structure, classifying it as an accessory structure. This Administrative Adjustment requests that we be allowed to have a dividing wall that is 3.5 feet from the rear property line, rather than 5 feet. This is in line with the Level 2 threshold, which applies to setback adjustments that or 30% or 5ft, whichever is less. 30% of the 5-foot setback for accessory structures in 1.5 feet, which leaves a setback of 3.5 feet between the dividing wall (accessory structure) and the rear property line.

Administrative Adjustment Criteria

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
 ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
 ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that “Accessory buildings and structures may not exceed 12 feet in height on any lot”. The proposed dividing wall is 6 feet high.
- c) In no way does the Administrative Adjustment allow a structure’s footprint to encroach upon an established recorded or platted easement and/or the Town’s right of way.
 ⇒ There is no recorded or platted easement, or a Town right of way, in the rear of the property where the proposed dividing wall is located (please see the survey provided for reference).
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 ⇒ The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.
 - ii. Supports an objective from the purpose statements of the zoning district where located; or

⇒ Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing ‘private courtyard’ area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which meets the existing building’s current side or rear setback. Overhangs, roof cornices, eaves, or exterior balconies; or
- viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

⇒ As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to public health or safety.

⇒ The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding

the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
 - ⇒ The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
 - ⇒ There are not adverse impacts to mitigate.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An Administrative Adjustment to parking standards may be approved, in whole or in part, upon finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
 - ⇒ N/A (not applying for a parking reduction).



Planning and Zoning Board Agenda Item Report

Meeting Date: January 3, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: 241 Shore Court 2023-L2-AA-05/ Administrative Adjustment

Explanation: See attached report.

Recommendation: The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits:

1. 2023-L2-AA-05 Staff Report 241 Shore Court
2. Ex 1 241 Shore Court App and Plans
3. Ex 2 Public Notice 30-139
4. Ex 3 30-313 Accessory buildings and structures
5. Ex 4 Sec 30-128 Administrative Adjustments
6. Ex 5 Applicant narrative



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board

From: Jhanelle Campbell, Development Services Director

Meeting Date: January 3, 2024

Re: Case Number 2023-L2-AA-05: Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments" of the Town's Code of Ordinances ("Town Code"), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-05) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the property located at 241 Shore Court.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") by Sky 360 Development LLC (the "Applicant") to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 241 Shore Court (the "Property") (**Diagram 1**).

Diagram 1



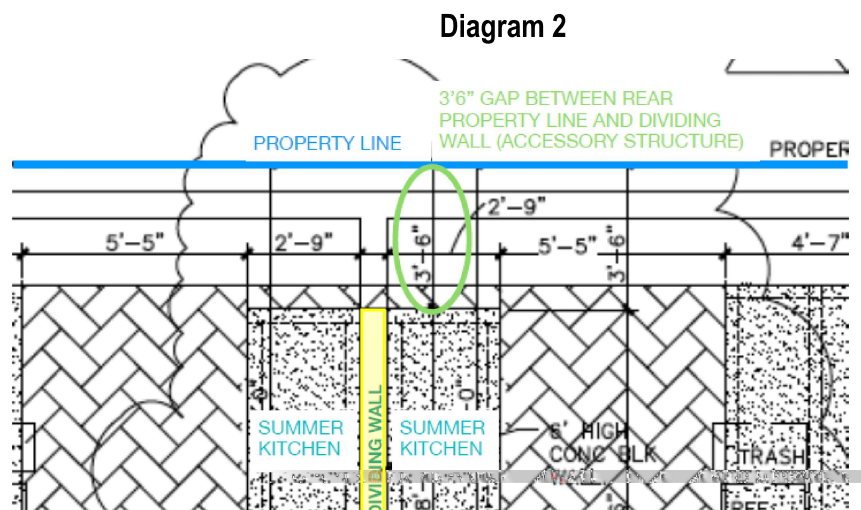
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Level 2 Administrative Adjustment

has been advertised, pursuant to Section 30-139 of the Town Code (**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a parcel of land under construction, located within the RD-10 zoning district (**Exhibit 3**). The property is 9,597 SF (.22 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback, which in this case is 1.5 feet.



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) establishes Level 1 and Level 2 Administrative Adjustment standards that allow the Town Manager and Town Commission, respectively, to approve a reduction in parking standards and/or setback requirements. A Level 2 Administrative Adjustment is permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever is less (**Table 1**). The Town Code requires review by the Town Staff, Planning & Zoning Board, and Town Commission.

Table 1

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>231 Shore Court</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1.5 foot encroachment 30% of the 5 foot required setback is 1.5'

Criteria and Analysis

Section 30-128 of the Town Code states that an encroachment into the required setbacks shall be approved if the requested relief is within the limits specified in the Administrative Adjustments Thresholds Table and the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;

Applicant response: The administrative adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.

Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

Applicant response: The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that "Accessory buildings and structures may not exceed 12 feet in height on any lot". The proposed dividing wall is 6 feet high.

Staff response: The criterion has been met.
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;

Applicant response: There is no recorded or platted easement, or a Town right-of-way, in the rear of the property where the proposed dividing wall is located (please see survey provided for reference).

Staff response: The criterion has been met.
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or

Applicant Response: The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.

- ii. Supports an objective from the purpose statements of the zoning district where located;
or

Applicant Response: Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing 'private courtyard' area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
iv. Supports Mid-Century Modern Architecture; or
v. Utilized to create a view corridor or other benefit to the Community; or
vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

Applicant response: As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been

constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

Staff response: The criterion has been met.

- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,

Applicant response: The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

Staff response: The criterion has been met.

- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.

Applicant response: The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.

Staff response: The criterion has been met.

- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.

Applicant response: There are not adverse impacts to mitigate.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Administrative Adjustment
241 Shore Court
Meeting January 3, 2024

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-313 (s) Accessory Buildings and Structures

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

Exhibit 5 – Applicant Narrative

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2023-L2-AA-05

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 241 Shore Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- c) In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way.
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the administrative Adjustment will be mitigated to the maximum extent practicable.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov



LAUDERDALE•BY•THE•SEA

Universal Development Application



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist and Fee Schedule.

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☒ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

Name of Agent (e.g. Contractor Representing the Project): SMH Construction

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBT, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

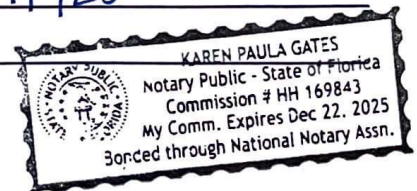
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12-22-25

Notary Signature: Karen Gates

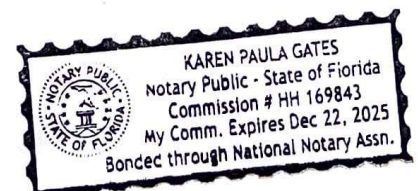
Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant Kylie Kuhl

State of Florida:

County: Broward



5/28/2020

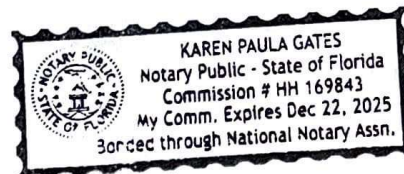
Universal Application

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

The person signing is ☐ personally known to me or has ☒ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates



FLOOD ZONE INFORMATION			
COMMUNITY NUMBER	120055	PANEL NUMBER	0378 H
ZONE	X	BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14		

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SIR	SET IRON ROD & CAP #6448
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
-X-	CHAIN LINK/ WOOD FENCE
ELEV	ELEVATION
EB	ELECTRIC BOX
CBS	CONCRETE BLOCK STRUCTURE
-E-	OVERHEAD UTILITY WIRES
A/C	AIR CONDITIONER
WPP	WOOD POWER POLE
CLP	CONCRETE LIGHT POLE
CPP	CONCRETE POWER POLE
CR	CABLE RISER
BFP	BACK FLOW PREVENTER
CO	CLEAN OUT
3.85	ELEVATIONS
A	ARC DISTANCE
R	RADIUS
Δ	CENTRAL ANGLE

NOTES:

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
- THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
- THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
- UNDERGROUND IMPROVEMENTS NOT SHOWN.
- ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 54 OF THE FLORIDA STATUTES, AND THAT I AM A LICENSED SURVEYOR AND MAPPER UNDER THE FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: *Richard E. Cousins*

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE: 12/27/22

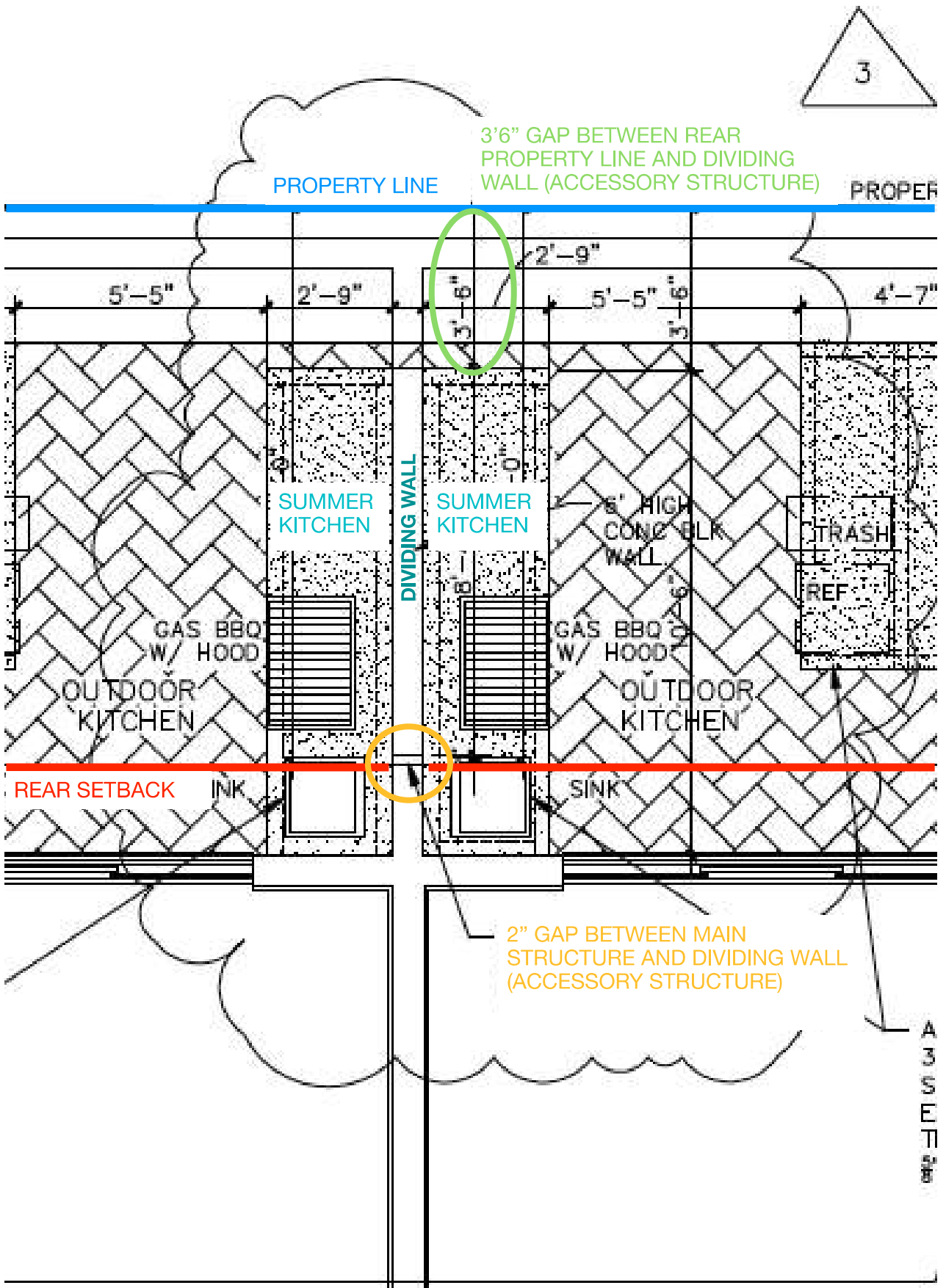
DATE	FR	PG	DWN	CKD
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				

SKETCH OF SURVEY

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

CLIENT: SKY 360

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION: LB # 6448
PHONE (354) 689-7766 FAX (354) 689-7799



Sec. 30-139. Notice of Public Hearings.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Applicant's name;
 - (2) The date, time, and place of the public hearing;
 - (3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;
 - (4) The nature, scope and purpose of the proposal being noticed;
 - (5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;
 - (6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and
 - (7) Other information as may be required by law.
- (b) *Mailed notice.*
- (1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.
 - (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (3) Property owners shall be determined by the ad valorem tax records of Broward County.
 - (4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.
 - (6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.
- (c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:
- (1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.
 - (2) Follow the timelines and ad type established in Table XXX in this article.
 - (3) For the purposes of this section and Table XXX:
 - a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.

-
- b. "Standard ad" shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.
- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:
- (1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.
 - (2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.
 - (3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.
 - (4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.
 - (5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.
 - (6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.
- (e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.
- (f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.
- (g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Public Participation Meeting	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
					Website	Posted	Mailed 300'	Published (Ad Type)
Administrative adjustments, appeals from administrative decisions, plats, site plans, variances		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single-family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (Standard)
Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification		n/a			n/a	n/a	n/a	n/a
Comprehensive Plan - Text	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Plan - Map	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
Land Development Code - all other Text Amendments	166.041	n/a	10 days	10 days	X			X (Standard)
Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	10 days	X	X	X	X (Standard)

(Ord. No. 2022-05, § 3, 8-24-2022)

Section 30-313

(s) *Accessory buildings and structures.*

- (1) On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures.
- (2) On a waterfront lot, side and rear setbacks abutting the water shall be the same as for the primary structure.
- (3) Accessory buildings and structures may not exceed 12 feet in height on any lot.
- (4) The aggregate floor area of all accessory buildings or land area under an accessory structure shall not exceed five percent of the plot area.
- (5) No accessory building shall contain more than 50 percent of the floor area of the principal building.
- (6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory buildings and structures in the commercial zoning district.

Sec. 30-128. - Administrative adjustments.

- (a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

- (b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment except that adjustments to the parking standards are not permitted in the B-1 or B-1-A zoning districts. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking standards (only permitted in residential zoning districts, see section 30-321 for relief in the B1/B1-A zoning districts)	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All other

- (c) *Level 1 Administrative Adjustments.*

- (1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

- (d) *Level 2 Administrative Adjustments.*

- (1) *Review of adjustment of parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- (2) *Review of adjustment of building standards.* A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Planning and Zoning Board.

- (e) *Criteria for Approval.*

- (1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table,

and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
 - b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
 - c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
 - d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
 - e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,
 - f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
 - g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
 - h. The Administrative Adjustment is consistent with the comprehensive plan.
- (2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
- (f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-04, § 2, 4-25-2017)

Administrative Adjustment Level 2 241 Shore Ct, Lauderdale by the Sea, FL, 33308

Description of the Request

The applicant is requesting an Administrative Adjustment for the property located at 241 Shore Ct, Lauderdale by the Sea, FL, 33308. On 7/18/2022 the new construction permit for the subject property was approved. The set of permitted plans included a dividing wall between the two duplex units extending to the rear property line. In October of 2023, it was brought to our attention that this component of our design is not code compliant. This was the case for four of our duplex projects in Lauderdale by the Sea. We have been able to resolve this issue on two of the four projects (4524 Seagrape Dr and 4306 E Tradewinds Ave). The issue is more difficult to resolve with the two duplexes located on Shore Ct. These two projects are significantly further along in the construction process, and the dividing walls have thus already been built. We are unable to remove the dividing wall between the duplex units for the following reasons:

- The wall has been constructed and contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. While we are able to overcome this on the other duplex projects (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending to the rear property line.
- All four units have been sold, and all four buyers expect us to deliver the product that we sold them, which includes the outdoor kitchens that were originally approved and permitted. The outdoor kitchens were a very key component of our marketing of these units. Additionally, creating an elaborate outdoor space on the first floor is one of the key ways that our design prevents homeowners from using their rooftops for recreational purposes which the code for RD-10 properties prohibits. A lot of thought went into this design, informed by market demands as well as code compliance considerations, and the permitted design was viewed by all as acceptable.

Sec 30-313 (s)(1) states that “On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures”. Our proposed site plan revision separates the dividing wall from the main structure, classifying it as an accessory structure. This Administrative Adjustment requests that we be allowed to have a dividing wall that is 3.5 feet from the rear property line, rather than 5 feet. This is in line with the Level 2 threshold, which applies to setback adjustments that or 30% or 5ft, whichever is less. 30% of the 5-foot setback for accessory structures in 1.5 feet, which leaves a setback of 3.5 feet between the dividing wall (accessory structure) and the rear property line.

Administrative Adjustment Criteria

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
 - ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
 - ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that “Accessory buildings and structures may not exceed 12 feet in height on any lot”. The proposed dividing wall is 6 feet high.
- c) In no way does the Administrative Adjustment allow a structure’s footprint to encroach upon an established recorded or platted easement and/or the Town’s right of way.
 - ⇒ There is no recorded or platted easement, or a Town right of way, in the rear of the property where the proposed dividing wall is located (please see the survey provided for reference).
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ⇒ The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/18/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.
 - ii. Supports an objective from the purpose statements of the zoning district where located; or

Exhibit 5

⇒ Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing ‘private courtyard’ area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which meets the existing building’s current side or rear setback. Overhangs, roof cornices, eaves, or exterior balconies; or
- viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

⇒ As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to public health or safety.

⇒ The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding

Exhibit 5

the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
 - ⇒ The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
 - ⇒ There are not adverse impacts to mitigate.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
 - ⇒ Yes.
- i) An Administrative Adjustment to parking standards may be approved, in whole or in part, upon finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
 - ⇒ N/A (not applying for a parking reduction).



**ADMINISTRATIVE ADJUSTMENT DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2023-L2-AA-04**

PROJECT NAME: 231 Shore Court

ADDRESS OF PROPERTY: 231 Shore Court

FOLIO #: 4943 1827 0313

PROPERTY OWNER: Sky 360 Development LLC

APPLICANT: Sky 360 Development LLC

APPLICANT ADDRESS: 231 Shore Court, Lauderdale-By-The-Sea, FL 33308

REQUEST: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures And Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court (“Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on January 9, 2024, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve an administrative adjustment is hereby approved as shown on the plans submitted by Gavy & Associates, Inc., attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the Building Permit approved for the subject property.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Development Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of January, 2024

MAYOR CHRIS VINCENT

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney



Agenda Item No: 18.b.

Town Commission Agenda Item Report

Meeting Date: January 9, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Quasi Judicial Public Hearings

Agenda Section: QUASI JUDICIAL PUBLIC HEARINGS

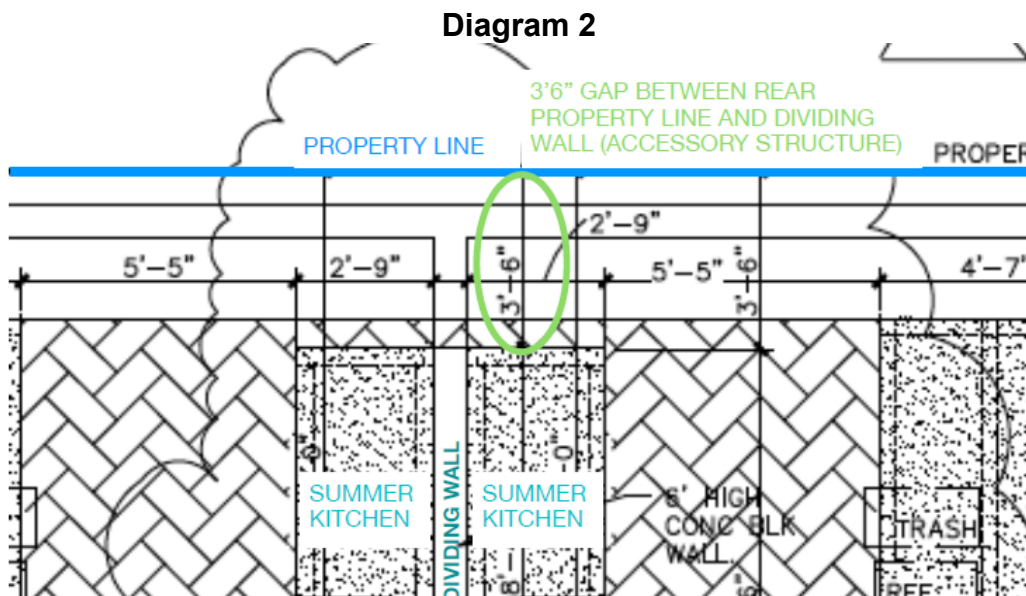
Subject Title: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures And Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-05) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 241 Shore Court (“Property”).

Explanation: This application (**Exhibit 1**) is a request for a Level 2 Administrative Adjustment to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 241 Shore Court (the “Property”) (**Diagram 1**).

Diagram 1-Existing property



The Property is a parcel of land under construction, located within the RD-10 zoning district. The property is 9,597 SF (.22 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall). Diagram 2 shows the location of the constructed additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback which in this case is 1.5 feet.



Notice was sent to the surrounding public in accordance with Town Code Section 30-139. The property was properly posted and notice was placed on the Town's website. To date, no correspondence has been received in favor of or against the administrative adjustment request.

The Planning and Zoning Board reviewed the application at its January 3, 2024 meeting (and voted to recommend **APPROVAL** of the request (**Exhibit 2**).

Recommendation: The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits:

1. 241 Shore Court App and Plans
2. Planning and Zoning Board Packet
3. 2023-L2-AA-05 241 Shore Court Development Order

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2023-L2-AA-05

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 241 Shore Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- c) In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way.
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the administrative Adjustment will be mitigated to the maximum extent practicable.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov



LAUDERDALE•BY•THE•SEA

Universal Development Application



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☒ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

Name of Agent (e.g. Contractor Representing the Project): SMH Construction

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBTs, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

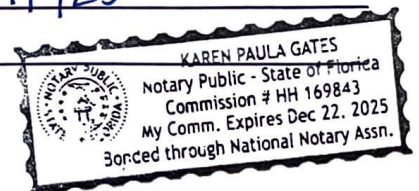
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023.

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates

Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant _____

State of Florida:

County: Broward

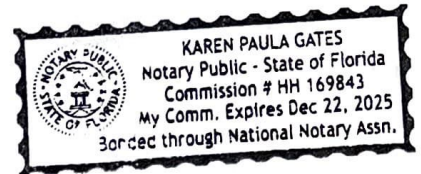


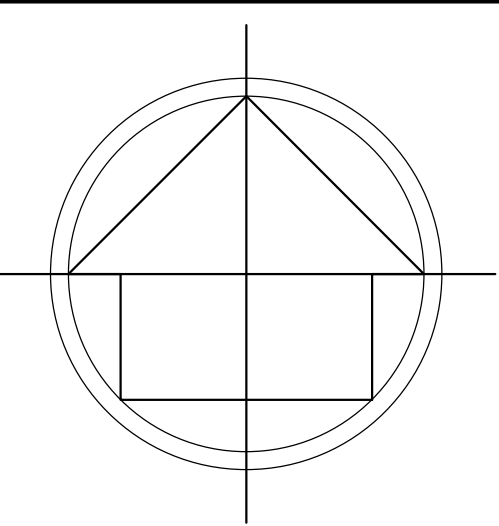
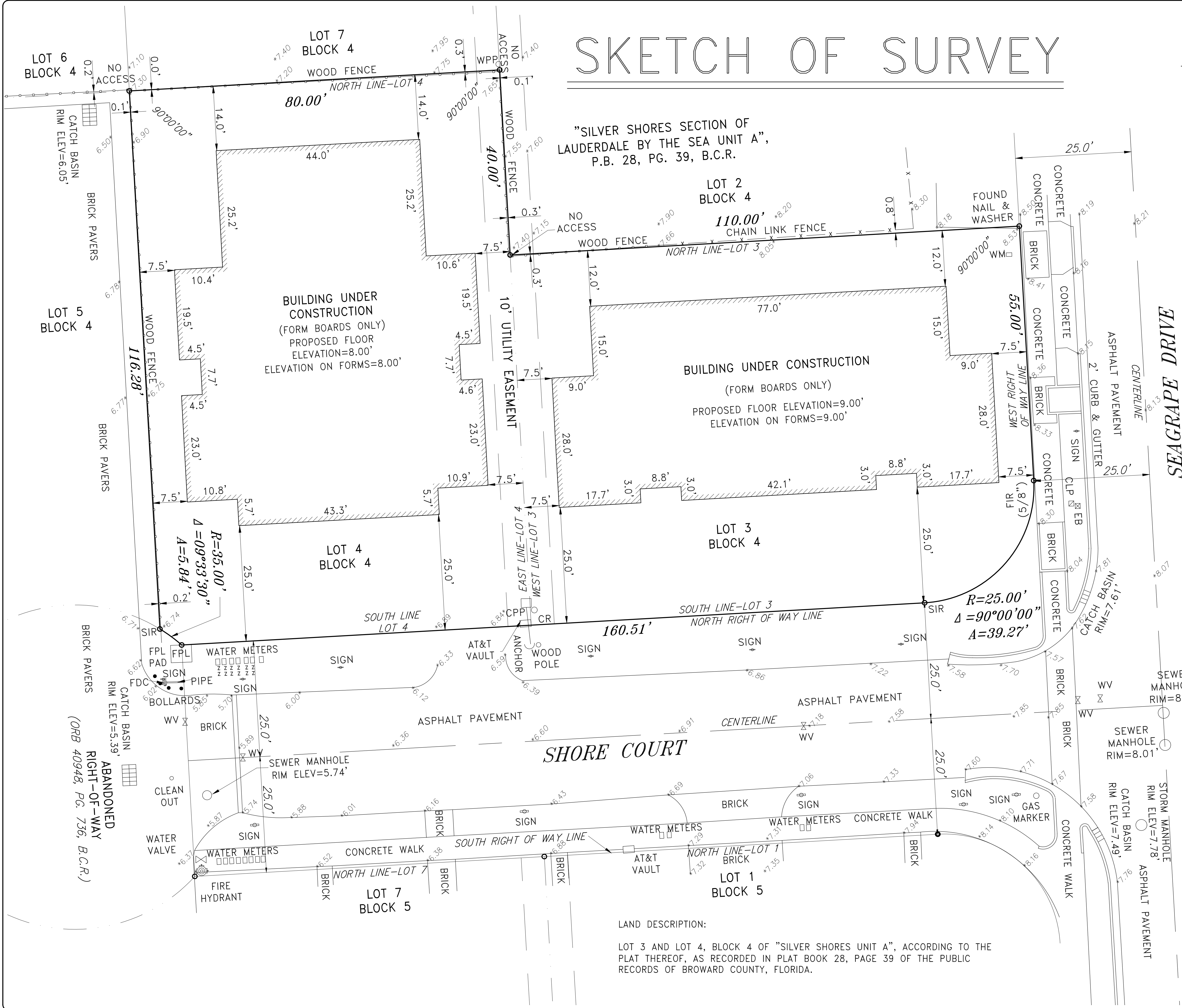
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

The person signing is ☐ personally known to me or has ☒ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates





FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120055
PANEL NUMBER	0378 H
ZONE	X
BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14

- LEGEND:
- | | |
|--------|--------------------------|
| CKD | CHECKED BY |
| CONC | CONCRETE |
| DWN | DRAWN BY |
| FB/PG | FIELD BOOK AND PAGE |
| SIR | SET IRON ROD & CAP #6448 |
| SNC | SET NAIL AND CAP #6448 |
| FIR | FOUND IRON ROD |
| FIP | FOUND IRON PIPE |
| FNC | FOUND NAIL AND CAP |
| FND | FOUND NAIL & DISC |
| P.B. | PLAT BOOK |
| B.C.R. | BROWARD COUNTY RECORDS |
| -X- | CHAIN LINK/ WOOD FENCE |
| ELEV | ELEVATION |
| EB | ELECTRIC BOX |
| CBS | CONCRETE BLOCK STRUCTURE |
| -E- | OVERHEAD UTILITY WIRES |
| A/C | AIR CONDITIONER |
| WPP | WOOD POWER POLE |
| CLP | CONCRETE LIGHT POLE |
| CPP | CONCRETE POWER POLE |
| CR | CABLE RISER |
| BFP | BACK FLOW PREVENTER |
| CO | CLEAN OUT |
| *3.85 | ELEVATIONS |
| A | ARC DISTANCE |
| R | RADIUS |
| Δ | CENTRAL ANGLE |

- NOTES :
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
 - THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
 - THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
 - UNDERGROUND IMPROVEMENTS NOT SHOWN.
 - ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCRoACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: *Richard E. Cousins*

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE : 12/27/22

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

CLIENT :

SKY 360

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

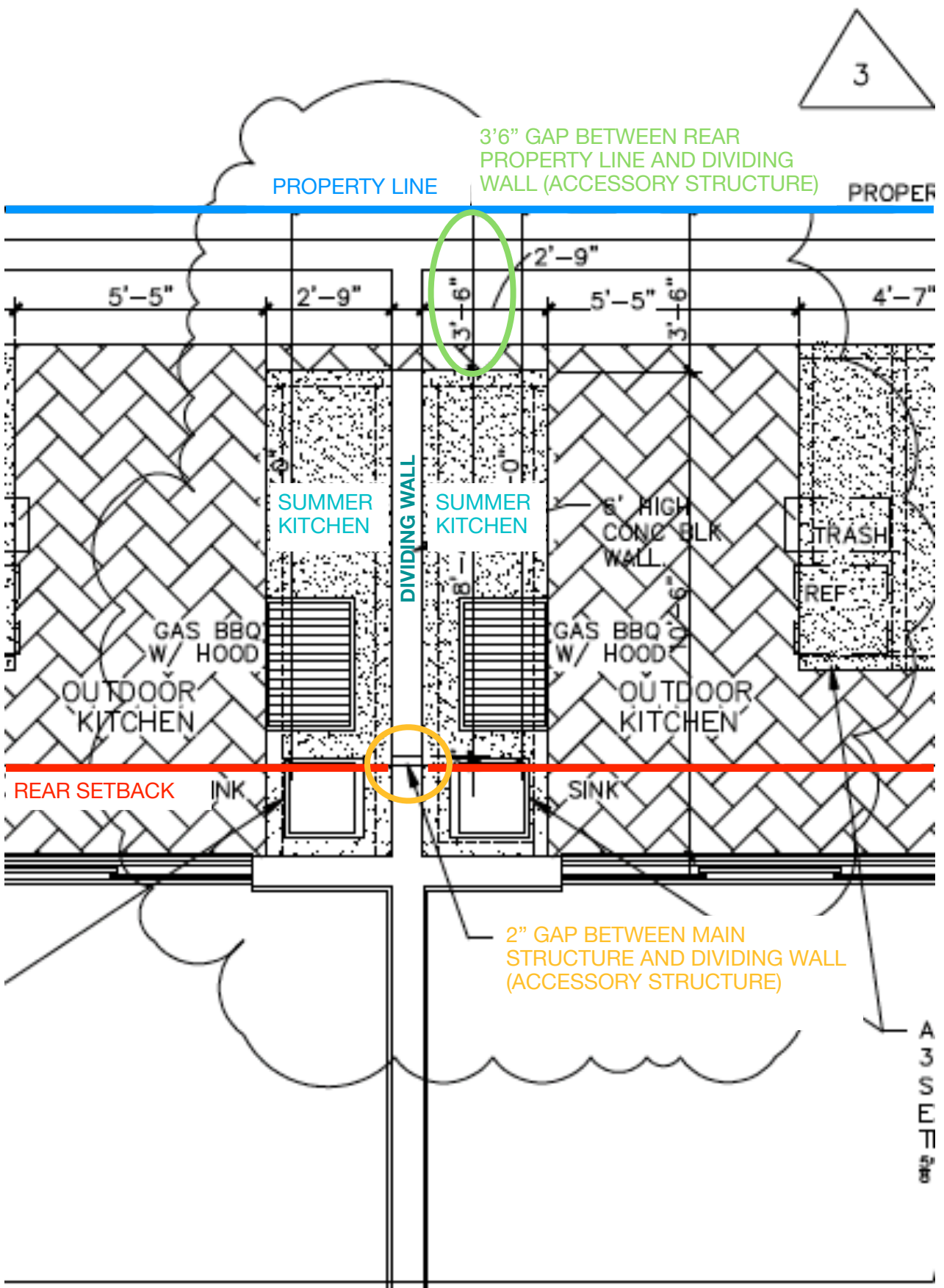
SKETCH OF SURVEY

REVISIONS				
BOUNDARY & IMPROVEMENTS SURVEY	07/01/21	DATA/COLL	AM	REC
ADDITIONAL ELEVATIONS ADDED	04/27/22	DATA/COLL	JD	REC
FORM BOARD SURVEY	12/27/22	SKETCH	JD	REC

PROJECT NUMBER: 9587-21

SCALE : 1" = 10'

SHEET
1
OF
1
SHEET



LIST OF DRAWINGS:	
COV	COVER SHEET
SITE	
SD1	SITE PLAN
SD2	SITE DETAILS
L1	LANDSCAPE PLAN
L2	IRRIGATION PLAN

CIVIL	
C-1	EROSION CONTROL PLAN
C-2	P,D&G PLAN
C-3	DETAILS

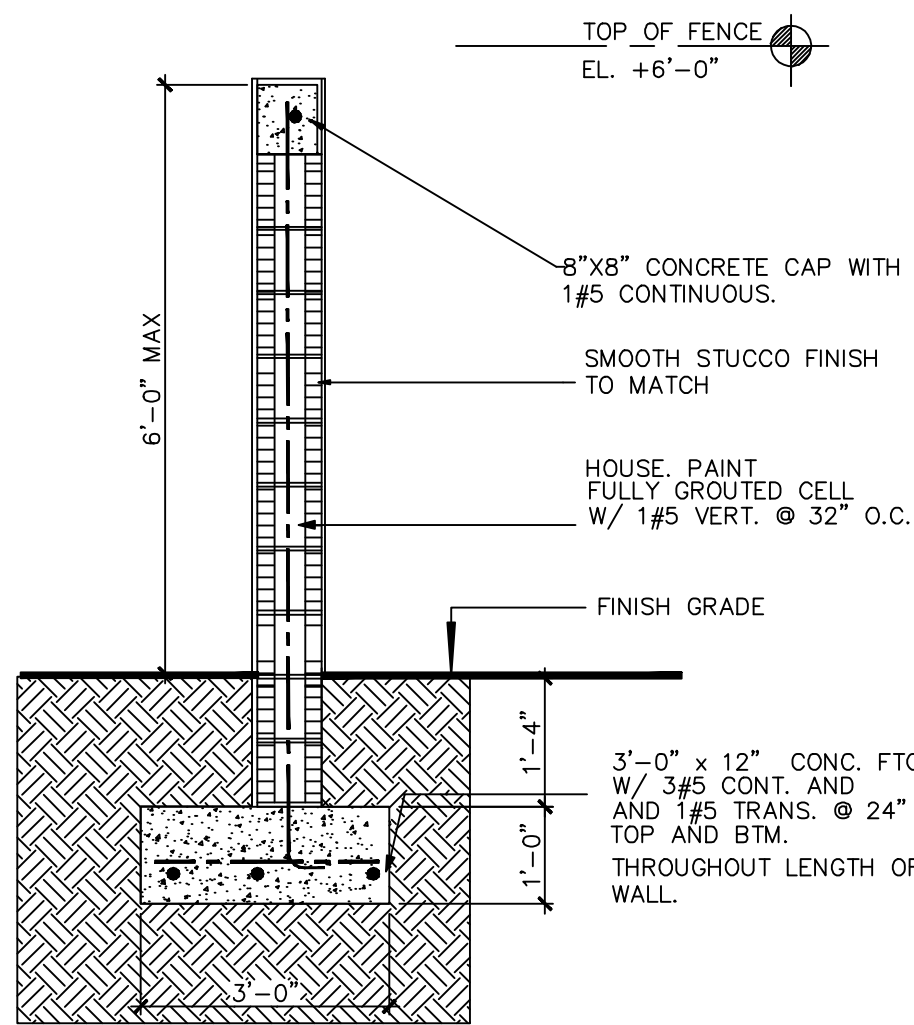
ARCHITECTURAL	
A1	FIRST FLOOR PLAN
A1.1	SCHEDULES, OUTDOOR KITCHEN
A2	SECOND FLOOR PLAN
A3	THIRD FLOOR PLAN
A4	ELEVATIONS
A4.1	ELEVATIONS
A5	TYPICAL WALL SECTIONS
A6	TYPICAL WALL SECTIONS
A7	TYPICAL WALL SECTIONS

STRUCTURAL	
S1.0	FOUNDATION PLAN
S1.1	FOUNDATION NOTES AND SCHEDULES
S1.2	FIRE RATING DETAILS
S2.0	SECOND FLOOR SLAB
S2.1	SECOND FLOOR SLAB NOTES /SCHEDULES
S3.0	ROOFTOP PLAN
S4.0	PENTHOUSE ROOF PLAN

MECHANICAL	
M1	FIRST FLOOR MECHANICAL PLAN
M2	SECOND FLOOR/ ROOFTOP MECHICAL PLAN
M3	NOTES AND SCHEDULES

ELECTRICAL	
E1	FIRST FLOOR ELECTRICAL PLAN
E2	SECOND FLOOR/ ROOFTOP ELECTRICAL PLAN
E3	SCHEDULES

PLUMBING	
P1	FIRST FLOOR PLUMBING GAS/ PLAN
P2	SECOND FLOOR PLUMBING/ GAS PLAN
P3	RISER DIAGRAMS



COMMON PRIVACY WALL

SITE INFORMATION- UNIT A
CITY OF LAUDERDALE-BY-THE-SEA

251 SHORE COURT, L.B.T.S.
LEGAL DESCRIPTION
THE WEST 1/2 OF LOT 04, BLOCK 4, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
FOLIO # 4943 18 05 0520
MAP NUMBER 125105 0557H
CONSTRUCTION & OCCUPANCY TYPE
TYPE VB- CONSTRUCTION
OCCUPANCY TYPE : GROUP RESIDENTIAL
FLORIDA BUILDING CODE 2020

ZONING DATA		
ZONING CATEGORY	RD-10	
FLOOD ZONE	FLOOD ZONE 'X'	
DESCRIPTION	REQUIREMENT	PROVIDED ON SITE
SET BACKS		
FRONT	25'-0" MIN.	25'-0"
SIDE	7'-6" MIN.	7'-6"
REAR	12'-0" MIN.	12'-0"
MIN LOT SIZE		4,791 S.F.
HEIGHT PER SECTION 30.221-(B) PENTHOUSES TO ENCLOSE ELEVATOR MACHINERY SHALL NOT BE INCLUDED IN HEIGHT.	MAX. 33'-0"	36'-3" TO PENTHOUSE 25'-4" TO ROOF
SITE CALCULATIONS ZONING & COVERAGE PERCENTAGES :		
NET LAND AREA :	4,791.0 SQ.FT.	100.0 %
FOOTPRINT (UNDER ROOF) :	2,549 SQ.FT.	
DRIVES & WALKS:	2,549 SQ.FT.	
POOL AND DECKING	627 SQ.FT.	
SIDE WALKWAY	344 SQ.FT.	
TOTAL IMPERVIOUS AREAS :	3,572 SQ.FT.	74.55%
GREEN AREA :	1,219 SQ.FT.	25.44%

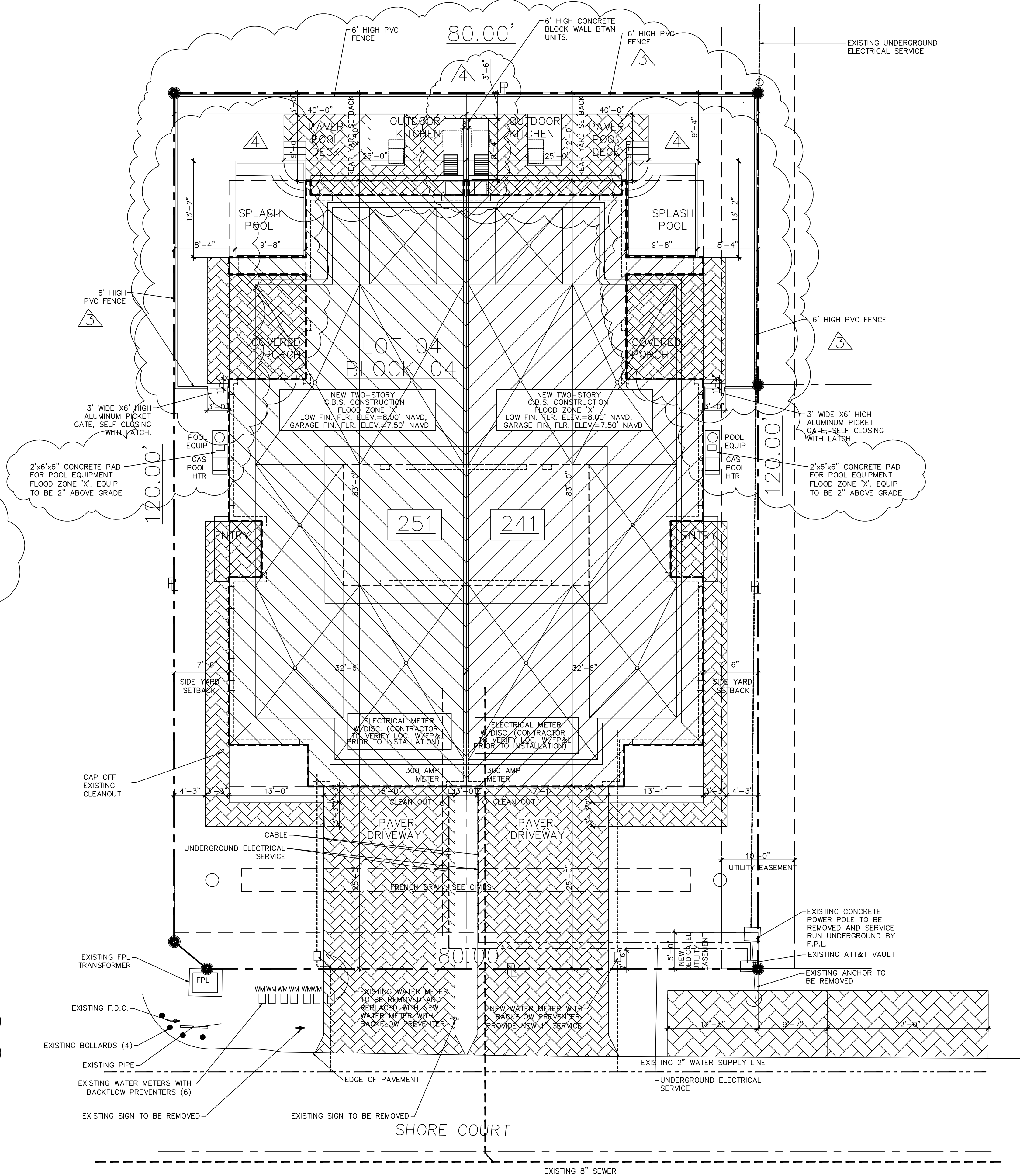
SITE INFORMATION- UNIT B
CITY OF LAUDERDALE-BY-THE-SEA

241 SHORE COURT, L.B.T.S.
LEGAL DESCRIPTION
THE EAST 1/2 OF LOT 04, BLOCK 4, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
FOLIO # 4943 18 05 0520
MAP NUMBER 125105 0557H
CONSTRUCTION & OCCUPANCY TYPE
TYPE VB- CONSTRUCTION
OCCUPANCY TYPE : GROUP RESIDENTIAL
FLORIDA BUILDING CODE 2020

ZONING DATA		
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HEIGHT PER SECTION 30.221-(B) PENTHOUSES TO ENCLOSE ELEVATOR MACHINERY SHALL NOT BE INCLUDED IN HEIGHT.	MAX. 33'-0"	36'-3" TO PENTHOUSE 25'-2" TO ROOF
SITE CALCULATIONS ZONING & COVERAGE PERCENTAGES :		
NET LAND AREA :	4,800 SQ.FT.	100.0 %
FOOTPRINT (UNDER ROOF) :	2,549 SQ.FT.	
DRIVES & WALKS:	627 SQ.FT.	
POOL AND DECKING	344 SQ.FT.	
SIDE WALKWAY	52 SQ.FT.	
TOTAL IMPERVIOUS AREAS :	3,572 SQ.FT.	74.41%
GREEN AREA :	1,228 SQ.FT.	25.59%

- GENERAL NOTES:
1. SURVEY DATA IS BASED ON INFORMATION PROVIDED BY COUSINS SURVEY
 2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL GIVE TIMELY NOTIFICATION TO ALL UTILITY COMPANIES WITH FACILITIES IN THE AREA.
 3. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO SAFEGUARD ALL EXISTING STRUCTURES, UTILITIES, AND SURVEY MAKERS.
 4. CONTRACTOR SHALL COORDINATE CIVIL PLAN WITH LANDSCAPE PLAN.

- DRAINAGE NOTES:
1. DRAINAGE SHALL BE INSTALLED AS PER CIVIL DRAWINGS



SITE PLAN NOTES
1. CONTRACTOR TO VERIFY ALL UTILITY CONNECTIONS

SITE PLAN
SCALE: 1/8"=1'-0"

SEAL

REVISIONS

12-17-2021 PERMIT SET
4-20-2022 BLDG DEPT COMM
2) 9-22-2022 PERM WALL
3) 12-15-2023 CLIENT REV. SEWER
4) 4-30-2023 A/C ON ROOF
5) 11-15-2023 COMMON WALL

GERALD BELGRAVE DESIGNS, LLC
Architect . Planner . Interior Designer
2601 E. OAKLAND PARK BLVD, SUITE 203,
FORT LAUDERDALE , FLA., 33306
Phone (954) 298-2540
Arch. Reg. No. 15,085

BUILDING #2
NEW DUPLEX AT:
241, 251 SHORE COURT
LAUDERDALE-BY-THE-SEA

Job No:
XXX
Date:
5-18-2021
Drawn by:
JB
Checked
GB

ARCHITECTURE
Drawing No.
SD1

Page 136 of 196



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board

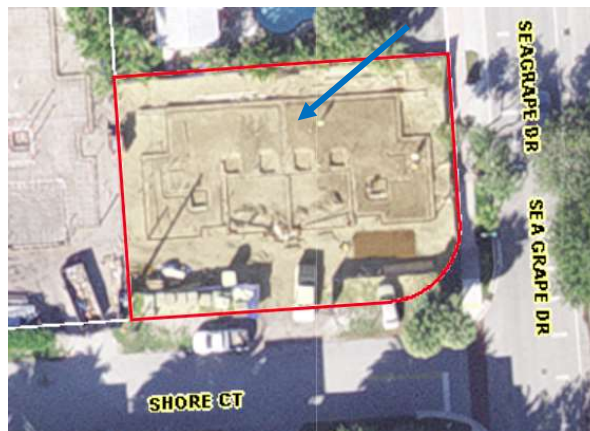
From: Jhanelle Campbell, Development Services Director

Meeting Date: January 3, 2024

Re: Case Number 2023-L2-AA-04: Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments" of the Town's Code of Ordinances ("Town Code"), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") by Sky 360 Development LLC (the "Applicant") to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 231 Shore Court (the "Property") (**Diagram 1**).

Diagram 1



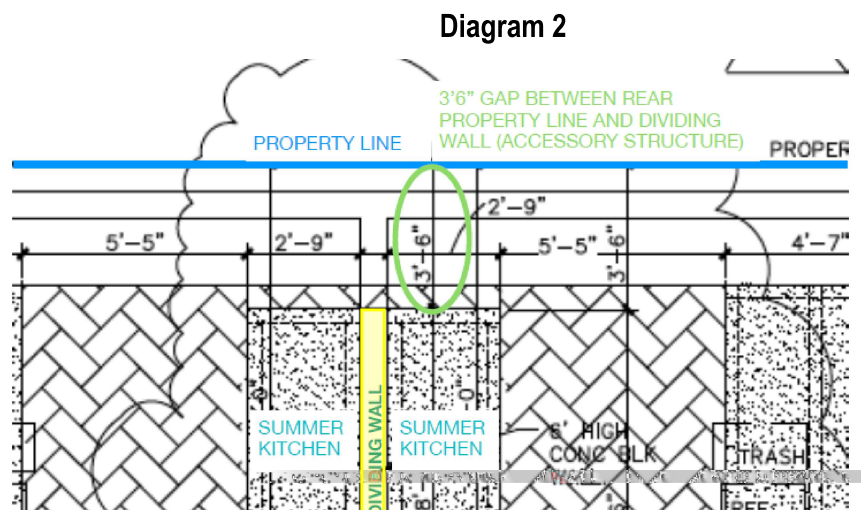
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Level 2 Administrative Adjustment

has been advertised, pursuant to Section 30-139 of the Town Code (**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a parcel of land under construction, located within the RD-10 zoning district (**Exhibit 3**). The property is 8,671 SF (.20 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the constructed additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback which in this case is 1.5 feet.



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) establishes Level 1 and Level 2 Administrative Adjustment standards that allow the Town Manager and Town Commission, respectively, to approve a reduction in parking standards and/or setback requirements. A Level 2 Administrative Adjustment is permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever is less (**Table 1**). The Town Code requires review by the Town Staff, Planning & Zoning Board, and Town Commission.

Table 1

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>231 Shore Court</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1.5 foot encroachment 30% of the 5 foot required setback is 1.5'

Criteria and Analysis

Section 30-128 of the Town Code states that an encroachment into the required setbacks shall be approved if the requested relief is within the limits specified in the Administrative Adjustments Thresholds Table and the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
Applicant response: The administrative adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
Applicant response: The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that "Accessory buildings and structures may not exceed 12 feet in height on any lot". The proposed dividing wall is 6 feet high.
Staff response: The criterion has been met.
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
Applicant response: There is no recorded or platted easement, or a Town right-of-way, in the rear of the property where the proposed dividing wall is located (please see survey provided for reference).
Staff response: The criterion has been met.
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:

- i. Required to compensate for some unusual aspect of the development site or the proposed development; or

Applicant Response: The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.

- ii. Supports an objective from the purpose statements of the zoning district where located; or

Applicant Response: Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing 'private courtyard' area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or

- viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

Applicant response: As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

Staff response: The criterion has been met.

- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,

Applicant response: The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

Staff response: The criterion has been met.

- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.

Applicant response: The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.

Staff response: The criterion has been met.

- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.

Applicant response: There are not adverse impacts to mitigate.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-313 (s) Accessory Buildings and Structures

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

Exhibit 5 – Applicant Narrative

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2023-12-AA-04

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 231 Shove Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- c) In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way.
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the administrative Adjustment will be mitigated to the maximum extent practicable.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov



LAUDERDALE•BY•THE•SEA

Universal Development Application



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308

(954)-640-4210

ZONING@LBTS-FL.GOV

M-F 8:30-4:30 PM

Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☒ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

Name of Agent (e.g. Contractor Representing the Project): SMH Construction

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBT5, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

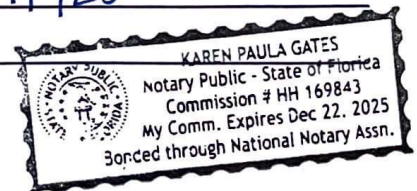
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12-22-25

Notary Signature: Karen Gates

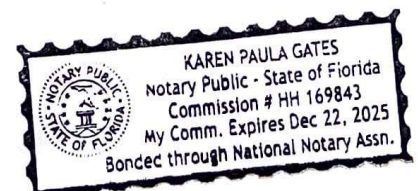
Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant Kylie Kuhl

State of Florida:

County: Broward



5/28/2020

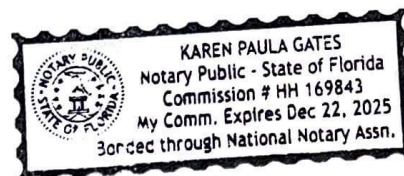
Universal Application

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

The person signing is ☐ personally known to me or has ☒ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates



FLOOD ZONE INFORMATION			
COMMUNITY NUMBER	120055	PANEL NUMBER	0378 H
ZONE	X	BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14		

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SIR	SET IRON ROD & CAP #6448
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
-X-	CHAIN LINK/ WOOD FENCE
ELEV	ELEVATION
EB	ELECTRIC BOX
CBS	CONCRETE BLOCK STRUCTURE
-E-	OVERHEAD UTILITY WIRES
A/C	AIR CONDITIONER
WPP	WOOD POWER POLE
CLP	CONCRETE LIGHT POLE
CPP	CONCRETE POWER POLE
CR	CABLE RISER
BFP	BACK FLOW PREVENTER
CO	CLEAN OUT
3.85	ELEVATIONS
A	ARC DISTANCE
R	RADIUS
Δ	CENTRAL ANGLE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 54 OF THE FLORIDA STATUTES, AND THAT I AM A LICENSED SURVEYOR AND MAPPER UNDER THE FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: *Richard E. Cousins*

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE: 12/27/22

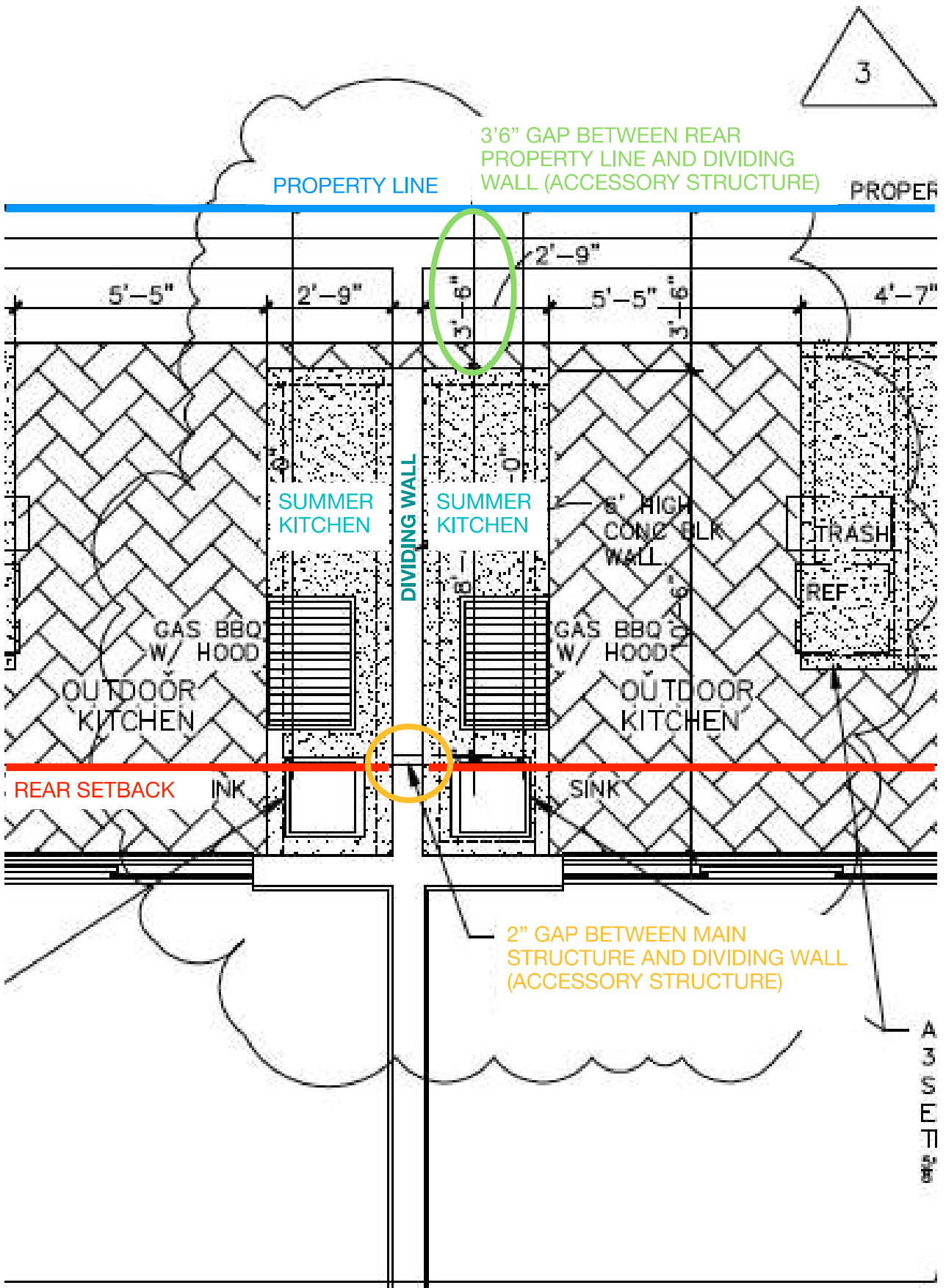
DATE	FR	PG	DWN	CKD
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12/27/2022				
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12/27/2022				
12/27/2022				

SKETCH OF SURVEY

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

CLIENT: SKY 360

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION: LB # 6448
PHONE (354) 689-7766 FAX (354) 689-7799



Sec. 30-139. Notice of Public Hearings.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Applicant's name;
 - (2) The date, time, and place of the public hearing;
 - (3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;
 - (4) The nature, scope and purpose of the proposal being noticed;
 - (5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;
 - (6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and
 - (7) Other information as may be required by law.
- (b) *Mailed notice.*
- (1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.
 - (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (3) Property owners shall be determined by the ad valorem tax records of Broward County.
 - (4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.
 - (6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.
- (c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:
- (1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.
 - (2) Follow the timelines and ad type established in Table XXX in this article.
 - (3) For the purposes of this section and Table XXX:
 - a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.

-
- b. "Standard ad" shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.
- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:
- (1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.
 - (2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.
 - (3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.
 - (4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.
 - (5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.
 - (6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.
- (e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.
- (f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.
- (g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Public Participation Meeting	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
					Website	Posted	Mailed 300'	Published (Ad Type)
Administrative adjustments, appeals from administrative decisions, plats, site plans, variances		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single-family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (Standard)
Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification		n/a			n/a	n/a	n/a	n/a
Comprehensive Plan - Text	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Plan - Map	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
Land Development Code - all other Text Amendments	166.041	n/a	10 days	10 days	X			X (Standard)
Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	10 days	X	X	X	X (Standard)

(Ord. No. 2022-05, § 3, 8-24-2022)

Section 30-313

(s) *Accessory buildings and structures.*

- (1) On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures.
- (2) On a waterfront lot, side and rear setbacks abutting the water shall be the same as for the primary structure.
- (3) Accessory buildings and structures may not exceed 12 feet in height on any lot.
- (4) The aggregate floor area of all accessory buildings or land area under an accessory structure shall not exceed five percent of the plot area.
- (5) No accessory building shall contain more than 50 percent of the floor area of the principal building.
- (6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory buildings and structures in the commercial zoning district.

Sec. 30-128. - Administrative adjustments.

- (a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

- (b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment except that adjustments to the parking standards are not permitted in the B-1 or B-1-A zoning districts. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking standards (only permitted in residential zoning districts, see section 30-321 for relief in the B1/B1-A zoning districts)	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All other

- (c) *Level 1 Administrative Adjustments.*

- (1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

- (d) *Level 2 Administrative Adjustments.*

- (1) *Review of adjustment of parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- (2) *Review of adjustment of building standards.* A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Planning and Zoning Board.

- (e) *Criteria for Approval.*

- (1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table,

and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
 - b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
 - c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
 - d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
 - e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,
 - f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
 - g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
 - h. The Administrative Adjustment is consistent with the comprehensive plan.
- (2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
- (f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-04, § 2, 4-25-2017)

Administrative Adjustment Level 2
231 Shore Ct, Lauderdale by the Sea, FL, 33308

Description of the Request

The applicant is requesting an Administrative Adjustment for the property located at 231 Shore Ct, Lauderdale by the Sea, FL, 33308. On 7/15/2022 the new construction permit for the subject property was approved. The set of permitted plans included a dividing wall between the two duplex units extending to the rear property line. In October of 2023, it was brought to our attention that this component of our design is not code compliant. This was the case for four of our duplex projects in Lauderdale by the Sea. We have been able to resolve this issue on two of the four projects (4524 Seagrape Dr and 4306 E Tradewinds Ave). The issue is more difficult to resolve with the two duplexes located on Shore Ct. These two projects are significantly further along in the construction process, and the dividing walls have thus already been built. We are unable to remove the dividing wall between the duplex units for the following reasons:

- The wall has been constructed and contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. While we are able to overcome this on the other duplex projects (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending to the rear property line.
- All four units have been sold, and all four buyers expect us to deliver the product that we sold them, which includes the outdoor kitchens that were originally approved and permitted. The outdoor kitchens were a very key component of our marketing of these units. Additionally, creating an elaborate outdoor space on the first floor is one of the key ways that our design prevents homeowners from using their rooftops for recreational purposes which the code for RD-10 properties prohibits. A lot of thought went into this design, informed by market demands as well as code compliance considerations, and the permitted design was viewed by all as acceptable.

Sec 30-313 (s)(1) states that “On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures”. Our proposed site plan revision separates the dividing wall from the main structure, classifying it as an accessory structure. This Administrative Adjustment requests that we be allowed to have a dividing wall that is 3.5 feet from the rear property line, rather than 5 feet. This is in line with the Level 2 threshold, which applies to setback adjustments that or 30% or 5ft, whichever is less. 30% of the 5-foot setback for accessory structures in 1.5 feet, which leaves a setback of 3.5 feet between the dividing wall (accessory structure) and the rear property line.

Administrative Adjustment Criteria

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
 ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
 ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that “Accessory buildings and structures may not exceed 12 feet in height on any lot”. The proposed dividing wall is 6 feet high.
- c) In no way does the Administrative Adjustment allow a structure’s footprint to encroach upon an established recorded or platted easement and/or the Town’s right of way.
 ⇒ There is no recorded or platted easement, or a Town right of way, in the rear of the property where the proposed dividing wall is located (please see the survey provided for reference).
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 ⇒ The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.
 - ii. Supports an objective from the purpose statements of the zoning district where located; or

⇒ Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing ‘private courtyard’ area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which meets the existing building’s current side or rear setback. Overhangs, roof cornices, eaves, or exterior balconies; or
- viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

⇒ As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to public health or safety.

⇒ The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding

- the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
 - ⇒ The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.
 - g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
 - ⇒ There are not adverse impacts to mitigate.
 - h) The Administrative Adjustment is consistent with the comprehensive plan.
 - i) An Administrative Adjustment to parking standards may be approved, in whole or in part, upon finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
 - ⇒ N/A (not applying for a parking reduction).



Planning and Zoning Board Agenda Item Report

Meeting Date: January 3, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: 241 Shore Court 2023-L2-AA-05/ Administrative Adjustment

Explanation: See attached report.

Recommendation: The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits:

1. 2023-L2-AA-05 Staff Report 241 Shore Court
2. Ex 1 241 Shore Court App and Plans
3. Ex 2 Public Notice 30-139
4. Ex 3 30-313 Accessory buildings and structures
5. Ex 4 Sec 30-128 Administrative Adjustments
6. Ex 5 Applicant narrative



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board

From: Jhanelle Campbell, Development Services Director

Meeting Date: January 3, 2024

Re: Case Number 2023-L2-AA-05: Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments" of the Town's Code of Ordinances ("Town Code"), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-05) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the property located at 241 Shore Court.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") by Sky 360 Development LLC (the "Applicant") to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 241 Shore Court (the "Property") (**Diagram 1**).

Diagram 1



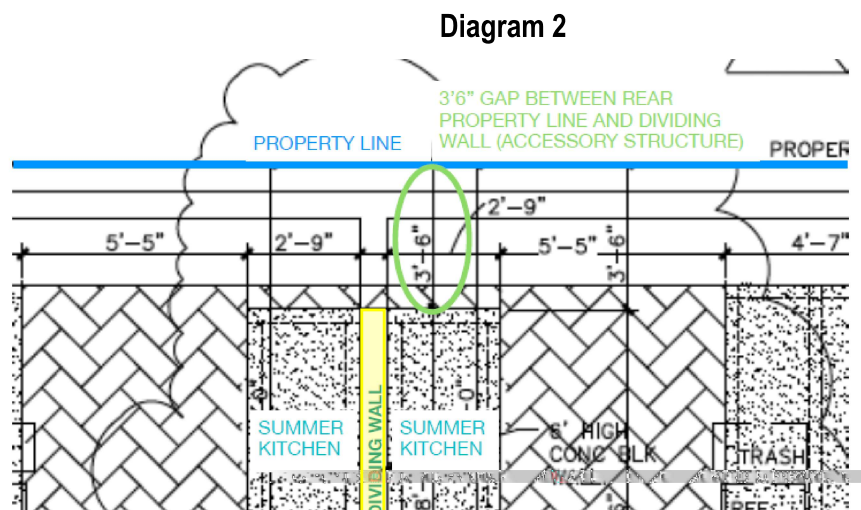
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Level 2 Administrative Adjustment

has been advertised, pursuant to Section 30-139 of the Town Code (**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a parcel of land under construction, located within the RD-10 zoning district (**Exhibit 3**). The property is 9,597 SF (.22 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback, which in this case is 1.5 feet.



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) establishes Level 1 and Level 2 Administrative Adjustment standards that allow the Town Manager and Town Commission, respectively, to approve a reduction in parking standards and/or setback requirements. A Level 2 Administrative Adjustment is permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever is less (**Table 1**). The Town Code requires review by the Town Staff, Planning & Zoning Board, and Town Commission.

Table 1

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>231 Shore Court</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1.5 foot encroachment 30% of the 5 foot required setback is 1.5'

Criteria and Analysis

Section 30-128 of the Town Code states that an encroachment into the required setbacks shall be approved if the requested relief is within the limits specified in the Administrative Adjustments Thresholds Table and the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;

Applicant response: The administrative adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.

Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

Applicant response: The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that "Accessory buildings and structures may not exceed 12 feet in height on any lot". The proposed dividing wall is 6 feet high.

Staff response: The criterion has been met.
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;

Applicant response: There is no recorded or platted easement, or a Town right-of-way, in the rear of the property where the proposed dividing wall is located (please see survey provided for reference).

Staff response: The criterion has been met.
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or

Applicant Response: The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.

- ii. Supports an objective from the purpose statements of the zoning district where located;
or

Applicant Response: Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing 'private courtyard' area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
iv. Supports Mid-Century Modern Architecture; or
v. Utilized to create a view corridor or other benefit to the Community; or
vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

Applicant response: As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been

constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

Staff response: The criterion has been met.

- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,

Applicant response: The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

Staff response: The criterion has been met.

- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.

Applicant response: The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.

Staff response: The criterion has been met.

- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.

Applicant response: There are not adverse impacts to mitigate.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Administrative Adjustment
241 Shore Court
Meeting January 3, 2024

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-313 (s) Accessory Buildings and Structures

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

Exhibit 5 – Applicant Narrative

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2023-L2-AA-05

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 241 Shore Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- c) In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way.
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the administrative Adjustment will be mitigated to the maximum extent practicable.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov



LAUDERDALE•BY•THE•SEA

Universal Development Application



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☒ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

Name of Agent (e.g. Contractor Representing the Project): SMH Construction

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBT5, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

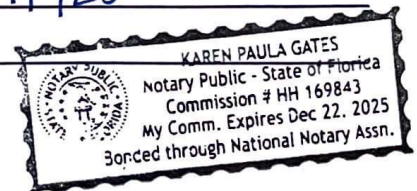
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12-22-25

Notary Signature: Karen Gates

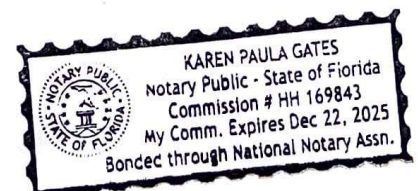
Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant Kylie Kuhl

State of Florida:

County: Broward



5/28/2020

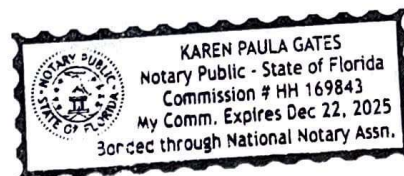
Universal Application

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

The person signing is ☐ personally known to me or has ☒ produced identification

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates



FLOOD ZONE INFORMATION			
COMMUNITY NUMBER	120055	PANEL NUMBER	0378 H
ZONE	X	BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14		

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SIR	SET IRON ROD & CAP #6448
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
-X-	CHAIN LINK/ WOOD FENCE
ELEV	ELEVATION
EB	ELECTRIC BOX
CBS	CONCRETE BLOCK STRUCTURE
-E-	OVERHEAD UTILITY WIRES
A/C	AIR CONDITIONER
WPP	WOOD POWER POLE
CLP	CONCRETE LIGHT POLE
CPP	CONCRETE POWER POLE
CR	CABLE RISER
BFP	BACK FLOW PREVENTER
CO	CLEAN OUT
3.85	ELEVATIONS
A	ARC DISTANCE
R	RADIUS
Δ	CENTRAL ANGLE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 54 OF THE FLORIDA STATUTES, AND THAT I AM A LICENSED SURVEYOR UNDER THE FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: *Richard E. Cousins*

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE: 12/27/22

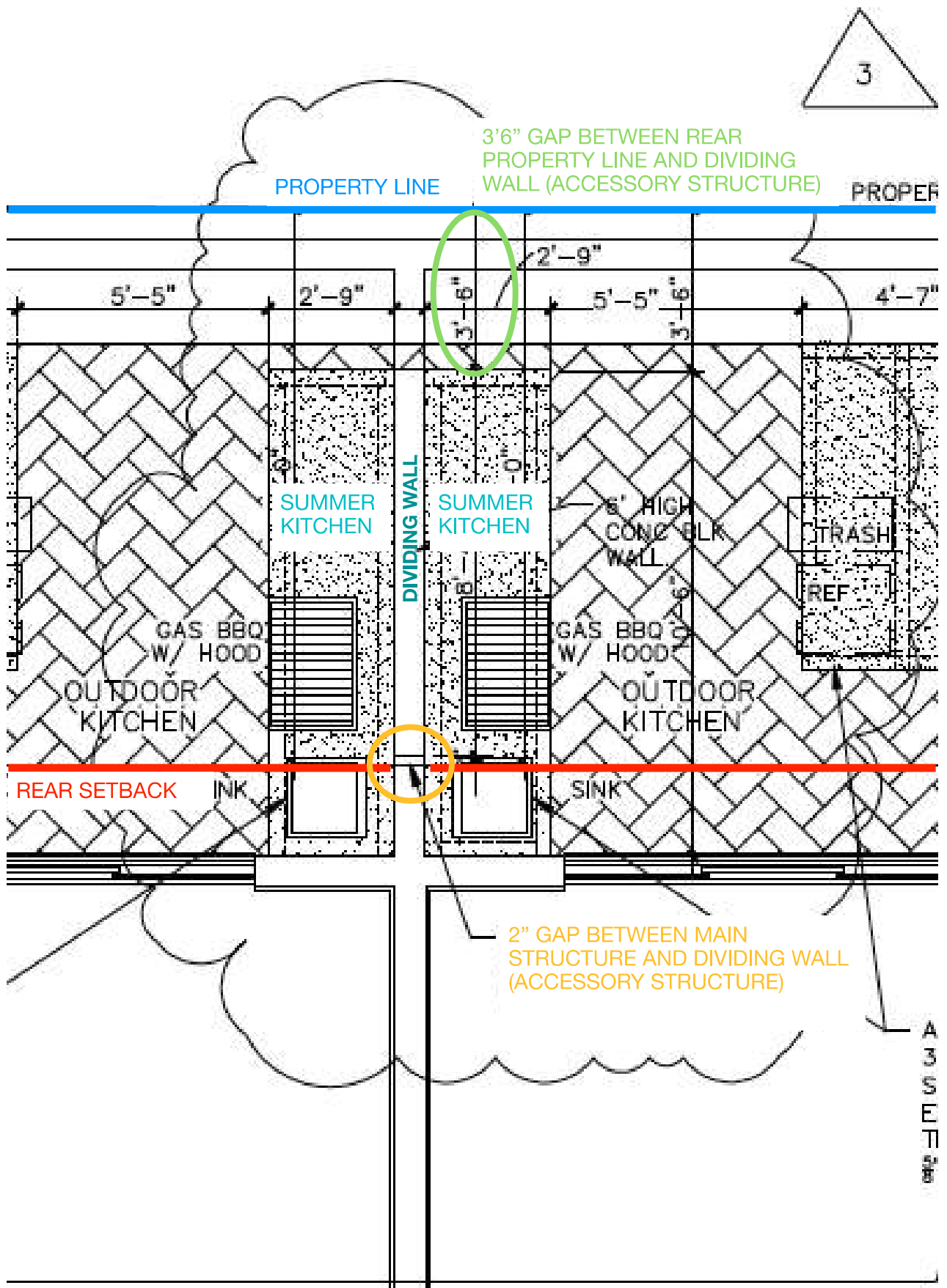
DATE	FR	PG	DWN	CKD
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				
12/27/2022				

SKETCH OF SURVEY

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

CLIENT: SKY 360

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION: LB # 6448
PHONE (354) 689-7766 FAX (354) 689-7799



Sec. 30-139. Notice of Public Hearings.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Applicant's name;
 - (2) The date, time, and place of the public hearing;
 - (3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;
 - (4) The nature, scope and purpose of the proposal being noticed;
 - (5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;
 - (6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and
 - (7) Other information as may be required by law.
- (b) *Mailed notice.*
- (1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.
 - (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (3) Property owners shall be determined by the ad valorem tax records of Broward County.
 - (4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.
 - (6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.
- (c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:
- (1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.
 - (2) Follow the timelines and ad type established in Table XXX in this article.
 - (3) For the purposes of this section and Table XXX:
 - a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.

-
- b. "Standard ad" shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.
- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:
- (1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.
 - (2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.
 - (3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.
 - (4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.
 - (5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.
 - (6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.
- (e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.
- (f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.
- (g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Public Participation Meeting	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
					Website	Posted	Mailed 300'	Published (Ad Type)
Administrative adjustments, appeals from administrative decisions, plats, site plans, variances		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single-family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (Standard)
Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification		n/a			n/a	n/a	n/a	n/a
Comprehensive Plan - Text	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Plan - Map	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
Land Development Code - all other Text Amendments	166.041	n/a	10 days	10 days	X			X (Standard)
Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	10 days	X	X	X	X (Standard)

(Ord. No. 2022-05, § 3, 8-24-2022)

Section 30-313

(s) *Accessory buildings and structures.*

- (1) On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures.
- (2) On a waterfront lot, side and rear setbacks abutting the water shall be the same as for the primary structure.
- (3) Accessory buildings and structures may not exceed 12 feet in height on any lot.
- (4) The aggregate floor area of all accessory buildings or land area under an accessory structure shall not exceed five percent of the plot area.
- (5) No accessory building shall contain more than 50 percent of the floor area of the principal building.
- (6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory buildings and structures in the commercial zoning district.

Sec. 30-128. - Administrative adjustments.

- (a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

- (b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment except that adjustments to the parking standards are not permitted in the B-1 or B-1-A zoning districts. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking standards (only permitted in residential zoning districts, see section 30-321 for relief in the B1/B1-A zoning districts)	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All other

- (c) *Level 1 Administrative Adjustments.*

- (1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

- (d) *Level 2 Administrative Adjustments.*

- (1) *Review of adjustment of parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- (2) *Review of adjustment of building standards.* A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Planning and Zoning Board.

- (e) *Criteria for Approval.*

- (1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table,

and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,
- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
- h. The Administrative Adjustment is consistent with the comprehensive plan.

(2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

(f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-04, § 2, 4-25-2017)

Administrative Adjustment Level 2 241 Shore Ct, Lauderdale by the Sea, FL, 33308

Description of the Request

The applicant is requesting an Administrative Adjustment for the property located at 241 Shore Ct, Lauderdale by the Sea, FL, 33308. On 7/18/2022 the new construction permit for the subject property was approved. The set of permitted plans included a dividing wall between the two duplex units extending to the rear property line. In October of 2023, it was brought to our attention that this component of our design is not code compliant. This was the case for four of our duplex projects in Lauderdale by the Sea. We have been able to resolve this issue on two of the four projects (4524 Seagrape Dr and 4306 E Tradewinds Ave). The issue is more difficult to resolve with the two duplexes located on Shore Ct. These two projects are significantly further along in the construction process, and the dividing walls have thus already been built. We are unable to remove the dividing wall between the duplex units for the following reasons:

- The wall has been constructed and contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. While we are able to overcome this on the other duplex projects (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending to the rear property line.
- All four units have been sold, and all four buyers expect us to deliver the product that we sold them, which includes the outdoor kitchens that were originally approved and permitted. The outdoor kitchens were a very key component of our marketing of these units. Additionally, creating an elaborate outdoor space on the first floor is one of the key ways that our design prevents homeowners from using their rooftops for recreational purposes which the code for RD-10 properties prohibits. A lot of thought went into this design, informed by market demands as well as code compliance considerations, and the permitted design was viewed by all as acceptable.

Sec 30-313 (s)(1) states that “On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures”. Our proposed site plan revision separates the dividing wall from the main structure, classifying it as an accessory structure. This Administrative Adjustment requests that we be allowed to have a dividing wall that is 3.5 feet from the rear property line, rather than 5 feet. This is in line with the Level 2 threshold, which applies to setback adjustments that or 30% or 5ft, whichever is less. 30% of the 5-foot setback for accessory structures in 1.5 feet, which leaves a setback of 3.5 feet between the dividing wall (accessory structure) and the rear property line.

Administrative Adjustment Criteria

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
 - ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
 - ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that “Accessory buildings and structures may not exceed 12 feet in height on any lot”. The proposed dividing wall is 6 feet high.
- c) In no way does the Administrative Adjustment allow a structure’s footprint to encroach upon an established recorded or platted easement and/or the Town’s right of way.
 - ⇒ There is no recorded or platted easement, or a Town right of way, in the rear of the property where the proposed dividing wall is located (please see the survey provided for reference).
- d) The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ⇒ The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/18/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.
 - ii. Supports an objective from the purpose statements of the zoning district where located; or

Exhibit 5

⇒ Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing ‘private courtyard’ area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which meets the existing building’s current side or rear setback. Overhangs, roof cornices, eaves, or exterior balconies; or
- viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

⇒ As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

- e) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to public health or safety.

⇒ The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding

Exhibit 5

the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
 - ⇒ The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.
- g) Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
 - ⇒ There are not adverse impacts to mitigate.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
 - ⇒ Yes.
- i) An Administrative Adjustment to parking standards may be approved, in whole or in part, upon finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
 - ⇒ N/A (not applying for a parking reduction).



**ADMINISTRATIVE ADJUSTMENT DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2023-L2-AA-05**

PROJECT NAME: 241 Shore Court

ADDRESS OF PROPERTY: 241 Shore Court

FOLIO #: 4943 1827 0314

PROPERTY OWNER: Sky 360 Development LLC

APPLICANT: Sky 360 Development LLC

APPLICANT ADDRESS: 241 Shore Court, Lauderdale-By-The-Sea, FL 33308

REQUEST: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures And Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 241 Shore Court (“Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on January 9, 2024, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve an administrative adjustment is hereby approved as shown on the plans submitted by Gavy & Associates, Inc., attached as Exhibit 1, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the Building Permit approved for the subject property.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Development Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of January, 2024

MAYOR CHRIS VINCENT

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney