

Town of Lauderdale-By-The-Sea
Regular Planning and Zoning Board

Agenda

Wednesday, October 2, 2024

6:00 PM



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

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Regular Planning and Zoning Board

Wednesday, October 2, 2024, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive, 33308

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **APPROVAL OF MINUTES**

3.a. September Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a.

ORDINANCE 2024-09- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, "UNIFIED LAND DEVELOPMENT REGULATIONS," OF THE TOWN'S CODE OF ORDINANCES BY REPEALING ARTICLE XI "SEAGRAPE DRIVE SIDEWALK PLAN," FROM THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **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: 3.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: October 2, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: APPROVAL OF MINUTES

Subject Title: September Minutes

Explanation:

Recommendation:

Exhibits:

1. September- Unapproved Minutes

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, September 4, 2024

1. CALL TO ORDER

Chair Karen Sylvester called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:03PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Karen Sylvester, Vice Chair Karen Blake, Board Members Ron Piersante, Leslie Richardson, Jeff Goldman, and 1st Alternate William (Bill) Ferrante. The absent member was 2nd Alternate Patrick Ucci. Present in person were Town Attorney James White, Development Services Director (DSD) Jhanelle Campbell, and Board Clerk Megan Small.

For the record, as five board members were present for a quorum, 1st Alternate Ferrante would participate but could not vote. The discussions and actions taken, etc. during the meeting were not limited to what was typed.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – June 5, 2024

Board Member Piersante made a motion to approve the minutes of the P&Z Meeting of June 5, 2024 as written. The motion was seconded by Board Member Richardson. The motion to approve the June 5, 2024 minutes as written carried 5-0.

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for any comments but if a member of the public wished to speak on a specific agenda item, that person could choose to wait until public comments opened on that item.

Marc Pearson, resident, explained that in his neighborhood some years ago, a neighbor was told to remove an unauthorized recreation area on top of his roof. He said that another neighbor completely rebuilt his home and was told that they could not have a recreation area on top of their roof because of privacy. Mr. Pearson was here tonight to see if the Board could give him assistance with an issue that the Development Services Director and Town Attorney know about. He explained about his email dated July 15, 2024 to the Town regarding concerns he had about a house built about two streets over from his. He sent a follow-up email communication on July 19, 2024 asking about status. He received an email from Development Services Director (DSD) Campbell at 6:07PM that day which stated there was no problem and everything was fine. A couple of emails later and a couple of Town Commission Meetings, he had a meeting. For clarity, he met with Town Manager Connors and Development Services Director Campbell at that meeting. He then requested and received some information from the Town through the Freedom of Information Act (FOIA) like Revision 7 of the Plan dated July 19, 2024 which did not make

sense to him. He ordered more documents through FOIA and he learned that the house he originally emailed about was permitted in 2022 with things like a rooftop recreation area, a structure up there that he would call a third floor, and a roof terrace with glass railings and lighting. He wanted them to agree that this was wrong. The revisions he received on July 19th did not change the size of the structure on top but they did get rid of the wording “third floor” and added “future solar panels” and they changed “rooftop terrace” to “maintenance area”. He felt that it was still an activity area up there violating the ordinance. The structure was way too big and the ordinance gave permission solely for a stairway. His time was up and Mr. Pearson asked the Board for their advice. Chair Sylvester asked Mr. Pearson if he filed an appeal. He answered that he has a son who is a lawyer and he explained the type of law firm that his son worked for. Mr. Pearson was informed that the appeal he submitted thirty days after his July 15th email got rejected by the Town because he did not meet the reasonable time period. His son advised him that it was reasonable and Mr. Pearson was thinking of appealing the appeal and that was why he brought this up tonight at the Planning and Zoning Board. As no one else wished to speak now, the Chair closed this portion of Public Comments.

5. NEW BUSINESS

5.a. Appeal from an Administrative Decision (2024-AAD-01) (the “Appeal”) pursuant to Chapter 30, “Unified Land Development Regulations,” ARTICLE IX, “Appeals,” Section 30-531 of the Town Code of Ordinances (“Town Code”) for approval to be classified as a drug store/pharmacy (with no on-site prescription writing for controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355) as such is a permitted use within the B-1 zoning district pursuant to Section 30-271 a (1) (z) of the Town Code.

Development Services Director Campbell presented this item stating that the applicant, Elite CBD Life, submitted an appeal application for the operation of a proposed retail store selling cannabidiol (CBD) products at the proposed business located at 238 Commercial Boulevard. The applicant was seeking an appeal pursuant to Section 30-531 of the Town Code for approval to be classified as a drug store/pharmacy (with no on-site prescription writing for controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035 or 893.0355) and as such was a permitted use within the B-1 zoning district pursuant to Section 30-271 (a) of the Town Code. She would explain Staff’s analysis and recommendation concerning the appeal application.

On July 10, 2024, the applicant submitted a request to the Town for zoning approval to operate the proposed business. The applicant said that inventory would be focused on health and fitness offering a range of CBD supplements and pain relief products designed to support health, fitness, athletic performance and overall wellbeing. Inventory did not include the sale of nicotine products and/or tobacco paraphernalia. Several email communications later, Town Staff denied requests to be classified and considered a health and fitness center, retail sales and drug store/pharmacy. The applicant filed on August 19, 2024 an appeal concerning the Town Staff denial and that was why this appeal was in front of the Board tonight.

Development Services Director Campbell’s report explained that appeals from administrative decisions may be timely filed by an aggrieved party concerning a decision of an administrative official in the interpretation and application of Chapter 30 “Unified Land Development Regulations” pursuant to Section 30-531 of the Town Code. She said that Staff has reviewed the subject appeal application pursuant to Section 30-531(e)(1) of the Town Code and did not agree with the applicant’s interpretation of the proposed business as a “drug store/pharmacy” which was permitted in the B-1 zoning district. Chapter 465, Florida Statutes, (the “Florida Pharmacy Act”) established the regulatory framework for the operation of pharmacies within the State. More

specifically, Section 465.003, Florida Statutes, provided various regulatory definitions, including “Medicinal Drugs”, “Pharmacy”, “Prescription” and various other terms. Based on the review of the Florida Statutes, Staff felt that the applicant did not provide any evidence to support classifying this proposed use as a drug store/pharmacy. The Development Services Director’s report reflected that Notices were sent to all the property owners in the surrounding 300 feet and the property was posted in accordance with Section 30-139 of the Town Code. To date, the Town has not received any correspondence for or against this request. Staff was recommending that the proposed business use not to be classified as a drug store/pharmacy. Board Member Goldman asked in L-B-T-S, was CVS classified as a pharmacy and the Development Services Director answered that it was. There were no other Board questions at this time.

Attorney Gary Carman, GrayRobinson, was representing the applicant. He gave a brief history starting with his client looking in the Town for a retail store and perhaps being a vitamin store. Before they could apply, they went to the State of Florida for an approval and a license - a copy of which was in the Board Packet. He said that the State of Florida classified CBD products as food supplements or food products. He reported the reasons that people use CBD products were from pain issues to beauty issues. They already have a store in the Coral Ridge Mall which is quite beautiful. They would be part of the community and have books to sell to help educate. There was nothing illegal as to what they did. There was no cannabis in their products. He explained the company’s inventory of products that was first class and first rate. He gave the Board Clerk his catalog, information about the business, and the store in the Coral Ridge Mall to pass around to the Board Members. They even sell CBD for pets. He explained that he felt they were a drug store because they sell supplements and medicinal products but there was no pharmacist because they did not take prescriptions but have products that were sold in pharmacies. His client was paying rent on this store that they could not open and reported that they were directed to open a pharmacy. He said the clients were here tonight to answer questions. They were just asking for cooperation and assistance.

Board Member Ferrante clarified that they were denied under pharmacy which was the conditional use they came in under and there were no other categories that fit their needs currently. Discussion ensued. Attorney Carman showed photos of stores in the area that were vitamin/supplement stores and answered Board Member Ferrante that they were not located in L-B-T-S but nearby. He just wanted to show what other stores like theirs were called in nearby municipalities. Chair Sylvester asked about the education provided to the community and what certifications did staff working in the store have. Ester Fhima went to the podium and said they owned 27 stores for more than a decade. Employees were all trained and she explained how. The books showed the benefits of CBD and there were also studies written about in the books. They also have laboratories. She answered that this was regulated by the FDA. Board Member Goldman asked the Development Services Director if pharmacies like CVS also get looked over to practice. He pointed out a food permit in the Board Packet. The DSD answered that different usages required different licenses so each store had to get the requisite licenses. She further answered him that she was not aware of any other stores in L-B-T-S that sold CBD products. She said two stores (not CBD stores) came in under Specialty Shops but that category was eliminated and those stores were gone. Board Member Richardson wanted to know what category CVS was classified as. Development Services Director Campbell answered CVS was a pharmacy/drug store and she explained why irrespective of all the other things they sell. Board Member Richardson then wanted to know why Retail was denied as a use and the DSD answered there was no general Retail category on the Town’s list. Board Member Ferrante asked the Director if there was any other way for them to come in under an existing category and she answered she did not evaluate any category that they would fit under but what they asked to come in under was not a fit for them. Development Services Director Campbell said that the applicant’s son used

Artificial Intelligence (AI) to evaluate the code and that was why they came in under the category that they did. Each of their proposals was evaluated under their own merit and none were acceptable. She further clarified that she did not know what categories businesses were in other municipalities. Attorney Carman wanted to answer whether they could fall under food store. He said that the State of Florida treated their product as food and gave them a license as a food product. He felt he could come in as a grocery store but he was not selling milk, juice or other grocery products. So his clients were really at their mercy. They were trying to open up a business, minimize their losses, and do what was right for the community. Their trained staff would be able to answer someone's questions and make recommendations.

Board Member Goldman wanted to know the research they did as they chose L-B-T-S and the attorney answered. Ester Fhima also answered and then spoke about the benefits of her products. She also said that she looked into this Town and thought the store would be a great location. She then spoke about the State permit and how she chose pharmacy/drug store. Chair Sylvester said she struggled with the fact that there was no pharmacist onsite and she was answered that there were no prescriptions. Board Member Goldman said that if he was looking for a place to put a place, he would know where it fit. Development Services Director Campbell said that Ester was probably talking about a conversation she had with the Development Services Assistant Director Ramirez about the types of licenses which was not an approval as zoning approval was never obtained. Board Member Piersante said he looked through all the categories and he could not find anything that this fell into. Staff felt the same way. He then asked if they looked over the bridge in Fort Lauderdale and also wanted to know why they picked a Town of only 6,000 people. Attorney Carman read into the record regarding if conditional uses were not listed and what could be done. He felt that if everything came together, perhaps they could come up with a new conditional use that fit his category. Chair Sylvester said that before the Board today was for the pharmacy/drug store conditional use. For clarification, Development Services Director Campbell read into the record about conditional uses not listed and then continued reading into the record a list of the acceptable conditional uses. A conditional use could not be suggested because the proposed use did not fall under the allowed list of conditional uses in L-B-T-S. The attorney took exception as to what she said because when he looked at permitted conditional uses, there were categories that he could put his "toe" in and get wet but could not put his entire "body" in but was asking for assistance. Board Member Goldman wanted to know which permitted conditional use he could put his "toe" in. The attorney read about four into the record. Vice Chair Blake wanted to make a motion based on everything she heard and saw tonight and uphold Staff's decision.

Vice Chair Blake made a motion to deny by upholding Staff's decision that the proposed business use was not to be classified as a drug store/pharmacy. The motion was seconded by Board Member Ferrante. The motion to deny carried 5-0.

As the attorney thanked everyone for their time and courtesy, Vice Chair Blake reminded that there was the recourse to have the code amended. She said that as it was presented tonight for a drug store/pharmacy, the Board just could not grant it. Development Services Director Campbell said that this item would go in front of the Town Commission on September 12, 2024 for a final approval or denial.

6. OLD BUSINESS

At the last meeting the Board had, Vice Chair Blake said, talked about an update from the Town Attorney's Office. She asked that they read the minutes from the last meeting as a reminder for that update.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Board Member Richardson made a motion to adjourn at approximately 6:55PM. The motion was seconded by Board Member Goldman. The motion to adjourn carried 5-0.

Chair Karen Sylvester

ATTEST:

Date Accepted: _____



Planning and Zoning Board Agenda Item Report

Meeting Date: October 2, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: NEW BUSINESS

Subject Title:

ORDINANCE 2024-09- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, "UNIFIED LAND DEVELOPMENT REGULATIONS," OF THE TOWN'S CODE OF ORDINANCES BY REPEALING ARTICLE XI "SEAGRAPE DRIVE SIDEWALK PLAN," FROM THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Explanation: The Seagrape Drive Sidewalk Plan was adopted in 2005 (**Exhibit 1- Ordinance 2005-02**) with the intention of reconstructing the sidewalk in the right of way of Seagrape Drive to improve the esthetics and functionality of the Drive. The plan requires property owners redeveloping on Seagrape Drive to comply with the sidewalk plan design. Since 2005, the Town has only had one property that would be required to comply with this code provision. In reviewing the code, Staff sees the difficulty in designing a sidewalk that meets the specifications of the plan because of the prevalent back-out parking on the street. The provision that allows a fee to be paid, in lieu of the sidewalk improvements, is also difficult because we do not receive a significant number of payments for this purpose. As a result, Staff recommended to the Town Commission that the Seagrape Drive Sidewalk Plan be removed from the Town Code at its August 27, 2024 meeting. The Town Commission agreed with Staff's recommendation and prepared Ordinance 2024-09 (**Exhibit 2**) deleting the provisions of the Seagrape Drive Sidewalk Plan.

Recommendation: Town staff recommends removal of the Seagrape Drive Sidewalk Plan from the Town Code.

Exhibits:

1. Exhibit 1- Ordinance 2005-02
2. Exhibit 2- Ordinance 2024-09 Repeal Seagrape Sidewalk Plan Article XI

ORDINANCE NO. 2005-02

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 24, LAND DEVELOPMENT CODE TO CREATE A NEW ARTICLE IX TO BE TITLED: SEAGRAPE DRIVE SIDEWALK PLAN; ADOPTING SIDEWALK DESIGN REQUIREMENTS FOR EAST SEAGRAPE DRIVE FROM COMMERCIAL BOULEVARD TO HIBISCUS AVENUE; REQUIRING CONFORMITY TO THE SIDEWALK PLAN AS A CONDITION OF SITE DEVELOPMENT OR RE-DEVELOPMENT FOR PROPERTIES FRONTING ON SEAGRAPE DRIVE; PROVIDING FOR A FEE IN LIEU OF CONTRUCTION OF SIDEWALK IMPROVEMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Commission finds that it is in the best interest of the Town, its residents, property owners and guests to redesign and reconstruct the sidewalks in the right of way of Seagrape Drive to improve the aesthetics and functionality of the Drive; and,

WHEREAS, the Town's consultants have proposed a sidewalk design and construction plan for Seagrape Drive that the Commission finds is consistent with the Town's Comprehensive Plan and redevelopment objective of the Town Commission.

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

Section 1. The foregoing "WHEREAS" clause is hereby ratified as true and correct and incorporated herein by this reference.

Section 2. Code of Ordinances, Chapter 24, Land Development Code is amended to add a new Article IX to read as follows:

§24-9.1 The City Commission adopts the Seagrape Drive Sidewalk Improvement Plan as the official design and construction guidelines for sidewalks on the east side of the Seagrape Drive right of way. A Copy of the Plan is attached to this ordinance as Exhibit "A". The original plan set shall be maintained by the Town Clerk as a reference document and shall be available for inspection on request.

§24-9.2 All development or redevelopment of property which has a common boundary with the right of way of Seagrape Drive shall contain construction design elements for a frontage sidewalk which conforms with the construction design elements shown on the Seagrape Drive Sidewalk Improvement Plan.

§24-9.3 An application for development or redevelopment of a property along Seagrape Drive shall be accompanied by a site plan which clearly depicts design elements which conform with the design elements shown on the Seagrape Drive Sidewalk Improvement Plan. All development orders of the Town Commission for properties along Seagrape Drive shall contain a condition of approval requiring compliance with the Sidewalk Improvement Plan.

§24-9.4 No permit shall be issued for building or development activity if the work to be performed will result in construction inconsistent with the Seagrape Drive Sidewalk Improvement Plan. Administrative decisions to deny a permit based on incompatibility with the Sidewalk Improvement Plan may be appealed to the Town Commission which shall conduct a quasi-judicial hearing to determine if the decision of the administrator should be sustained, reversed, or modified. A decision of the Town Commission constitutes final action and is subject to review by writ of certiorari to a court of competent jurisdiction.

§24-9.5 A property owner may, at the discretion of the Town Commission, be required to pay a fee in lieu of constructing actual sidewalk improvements, when the Commission determines that construction of the required sidewalk should be deferred to be coordinated with additional sidewalk improvements on Seagrape Drive. The fee shall be determined on a front footage basis, whereby the front footage of the property shall be multiplied by \$ _____, (which represents the total estimated cost of the Seagrape Drive sidewalk improvements, divided by the total number of frontage feet for the project, as certified by the Town Consulting Engineer).

Section 3. 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 4. All ordinances, or parts of ordinance, in conflict herein are to the extent of such conflict hereby repealed.

Section 5. This ordinance shall become effective, immediately upon final adoption.

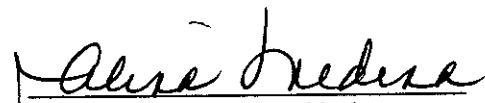
Passed on the first reading, this 14th day of Dec, 2004.

Passed on the second reading, this 11th day of Jan, 2005.


MAYOR OLIVER PARKER

	First Reading	Second Reading
Mayor Oliver Parker	<u>yes</u>	<u>yes</u>
Vice-Mayor Kennedy	<u>yes</u>	<u>yes</u>
Mayor Pro Tem Clark	<u>yes</u>	<u>yes</u>
Commissioner Wessels	<u>yes</u>	<u>yes</u>
Commissioner Yanni	<u>no</u>	<u>yes</u>

Attest:

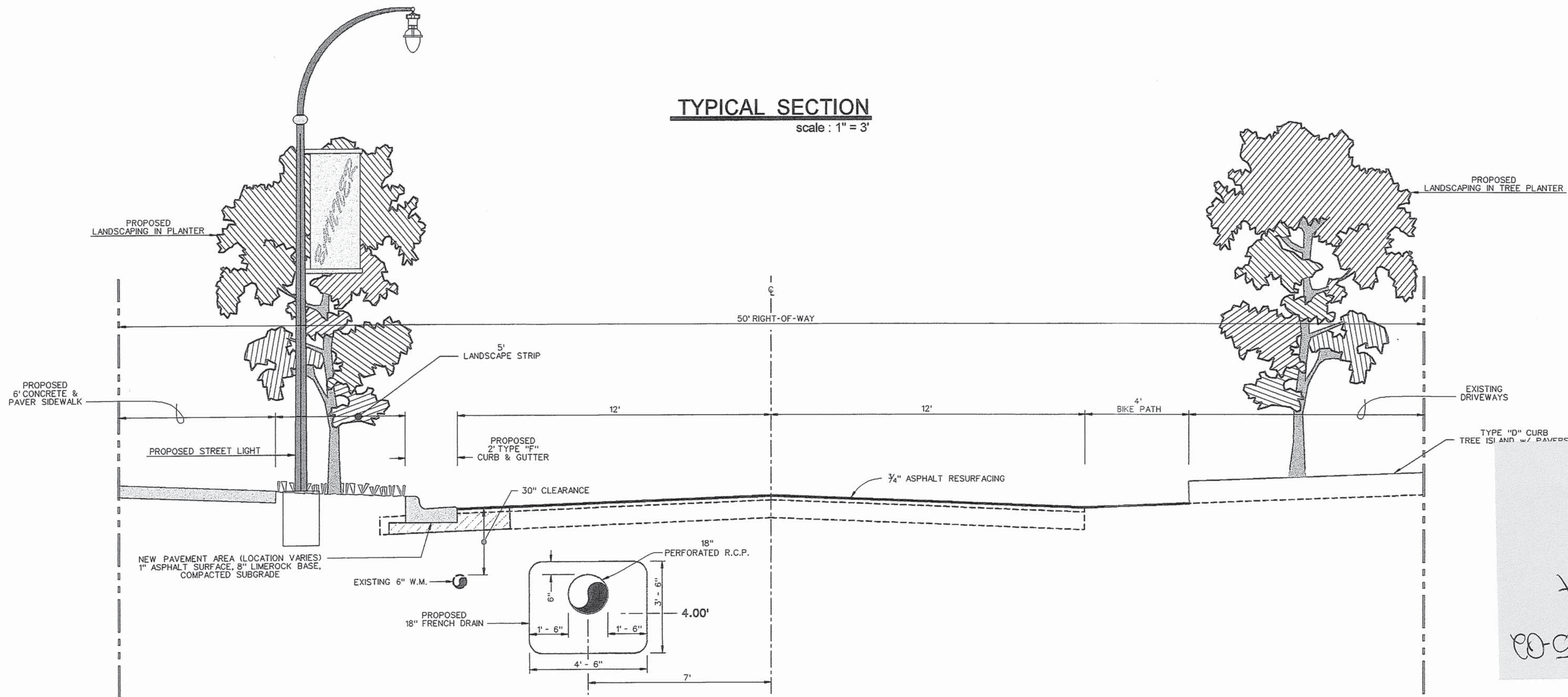

Alina Medina, Town Clerk

GENERAL NOTES

- THESE PLANS SHOW THE APPROXIMATE LOCATION OF ALL KNOWN UTILITIES AND STORM DRAINS FOR THE PURPOSE OF AIDING THE OWNER AND HIS CONTRACTOR IN THE CONNECTION TO THOSE FACILITIES OR THE REMOVAL OR AVOIDANCE OF THOSE FACILITIES WHICH CONFLICT WITH THE PROPOSED CONSTRUCTION. THE PLANS HAVE BEEN PREPARED WITH THE BEST INFORMATION AVAILABLE. HOWEVER, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND EXPOSE EXISTING FACILITIES. THE CONTRACTOR SHALL VERIFY ALL UTILITIES BY ELECTRONIC METHODS AND HAND EXCAVATION IN COORDINATION WITH ALL UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE TO SAID UTILITIES AS A RESULT OF CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL LOCATE AND EXPOSE ALL EXISTING UTILITIES AND STORM DRAINS TO BE CONNECTED SUFFICIENTLY AHEAD OF CONSTRUCTION TO ALLOW REDESIGN BY THE ENGINEER. IF SUCH INSTALLATIONS ARE FOUND TO BE DIFFERENT THAN SHOWN ON THESE PLANS, CONTRACTOR SHALL CONTACT SUNSHINE AT 1-800-432-4770 AND ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION. ANY AND ALL CONFLICTS WITH EXISTING UTILITIES AND PROPOSED IMPROVEMENTS SHALL BE RESOLVED BY THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.
- THE CONTRACTOR SHALL PROTECT ALL UTILITIES AND OTHER IMPROVEMENTS SHOWN ON THESE PLANS AND ALL OTHER UTILITIES AND OTHER IMPROVEMENTS AS SHOWN. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR REPAIRS OF UTILITIES AND OTHER IMPROVEMENTS DAMAGED DURING CONSTRUCTION AND SHALL MAINTAIN SUFFICIENT PROTECTION TO ALL UTILITIES REQUIRED TO PROTECT THEM FROM DAMAGE AND TO PROTECT THE PUBLIC DURING CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT THE TOWN OF LAUDERDALE-BY-SEA PUBLIC WORKS DEPARTMENT, BROWARD COUNTY TRAFFIC ENGINEERING DIVISION (484-9500) AND SUNSHINE STATE ONE CALL OF FLORIDA (1-800-432-4770) 48 HOURS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL ALSO NOTIFY THE BROWARD COUNTY ENVIRONMENTAL SERVICES DIVISION AND ANY OTHER UTILITY COMPANY WHICH MAY HAVE UTILITIES WITHIN THE AREA OF CONSTRUCTION.
- THE CONTRACTOR SHALL NOTIFY WALTER H. KELLER, INC. AT (954) 755-3822 AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
- SHADED AND PATTERN AREAS DENOTE NEW PAVEMENT. ALL RADII AND DIMENSIONS ARE TO THE EDGE OF PAVEMENT UNLESS NOTED.
- ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929. SURVEY INFORMATION PROVIDED BY CHARLES E. ROSSI, PROFESSIONAL LAND SURVEYOR, INC.
- THE SEQUENCE OF CONSTRUCTION SHALL BE SUCH THAT ALL UNDERGROUND INSTALLATIONS OF EVERY KIND, (INCLUDING SPRINKLERS) SHALL BE PLACED BENEATH THE PAVEMENT AND ITS EDGE PRIOR TO THE CONSTRUCTION OF PAVEMENT. THE PAVEMENT SHALL NOT BE CUT WITHOUT PRIOR APPROVAL OF THE ENGINEER.
- ALL LABOR, MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE BROWARD COUNTY ENGINEERING DIVISION MINIMUM STANDARDS.
- PERIODIC CONSTRUCTION INSPECTION WILL BE PROVIDED BY THE ENGINEER. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AT LEAST 48 HOURS BEFORE REQUIRING INSPECTION OF EACH AND EVERY PHASE OF WORK.
- COMPLETE "AS-BUILT" INFORMATION RELATIVE TO PIPE, STRUCTURES, VALVES, SERVICES, FITTINGS, CURBING, LENGTH, VERTICAL ELEVATION, QUANTITY AND MATERIAL SHOULD BE ACCURATELY RECORDED BY THE CONTRACTOR AND SUBMITTED TO THE ENGINEER PRIOR TO FINAL ACCEPTANCE OF THE WORK. ALL "AS-BUILT" MEASUREMENTS SHALL BE TAKEN BY AN INDEPENDENT LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA AND INCLUDED IN THE "AS-BUILT" INFORMATION FURNISHED BY THE CONTRACTOR AT HIS EXPENSE. FINAL ACCEPTANCE OF THE PROJECT IS SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE "AS-BUILT" INFORMATION FURNISHED TO THE REGULATORY AGENCIES AND THE APPLICABLE UTILITIES.
- THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF APPROVED CONSTRUCTION PLANS ON THE JOB SITE DURING ALL PHASES OF CONSTRUCTION.
- SHOP DRAWINGS OF ALL MATERIALS BEING USED SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW PRIOR TO INSTALLATION. THE DRAWINGS WILL THEN BE FORWARDED TO THE APPROPRIATE AGENCY FOR APPROVAL.
- LIMEROCK BASE COURSE SHALL CONFORM TO THE REQUIREMENTS OF SECTION 911 OF FLORIDA D.O.T. STANDARD SPECIFICATION.
- ASPHALTIC CONCRETE SURFACE COURSE TYPE S-1 SHALL CONFORM TO THE REQUIREMENTS OF SECTIONS 331-1 THROUGH 331-5 OF FLORIDA D.O.T. STANDARD SPECIFICATIONS.
- PRIME COAT AND TACK COAT FOR BASE COURSES SHALL CONFORM TO THE REQUIREMENTS OF SECTIONS 300-1 THROUGH 300-7 OF FLORIDA D.O.T. STANDARD SPECIFICATIONS. PRIME COAT SHALL BE APPLIED AT A RATE OF .25 GALLONS PER SQUARE YARD AND TACK COAT AT A RATE OF .10 GALLONS PER SQUARE YARD UNLESS A VARIATION RATE IS APPROVED BY THE ENGINEER.
- ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS.
- ALL ROADWAY TURN LANE CONSTRUCTION SHALL PROVIDE A (1) FOOT SAWCUT OF THE EXISTING ROADWAY TO A NEAT STRAIGHT EDGE. THE EXISTING ROCK BASE SHALL BE STRIPPED BACK FOR (6) INCHES AND BLENDED AND REWORKED WITH THE NEW BASE MATERIAL. BASE MATERIAL SHALL BE COMPACTED TO A MINIMUM OF 98% OF MAXIMUM DRY DENSITY AS PER AASHTO T-180. SUBGRADE SHALL BE COMPACTED TO 100% MAXIMUM DRY DENSITY AS PER AASHTO T-99-C WITH A MINIMUM 40 LIMEROCK BEARING RATIO (LBR-40).
- ALL ASPHALT SURFACE COURSES ON SEA GRAPE DR. TO BE OF TWO LIFTS. BOTTOM COURSE TO BE (1) INCH THICK FLORIDA D.O.T. TYPE S-3 WEARING COURSE. TOP COURSE TO BE ONE (1) INCH THICK FLORIDA D.O.T. TYPE S-1 SURFACE COURSE. BROWARD COUNTY MIX. ALL CONSTRUCTION WORK WITHIN THE RIGHT-OF-WAY OF SHALL BE IN STRICT ACCORDANCE WITH THE BROWARD COUNTY MINIMUM STANDARDS. SUBSTITUTIONS AND DEVIATIONS FROM THE PLANS AND SPECIFICATIONS ARE NOT PERMITTED WITHOUT PRIOR WRITTEN APPROVAL OF THE ENGINEER.
- ALL PAVEMENT MARKINGS AND ARROWS IN THE PUBLIC RIGHT-OF-WAYS TO BE THERMOPLASTIC. PAVEMENT ARROWS TO BE WHITE THERMOPLASTIC.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF ALL SODDED AREAS AND THE ADJUSTMENT OF ANY EXISTING IRRIGATION SYSTEM WITHIN THE LIMITS OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC ON THE PROJECT.
- THE PUBLIC ROADWAYS INDICATED IN THIS PLAN HAVE BEEN DESIGNED IN ACCORDANCE WITH THE MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS OF FLORIDA.
- THE CONTRACTOR SHALL CONFIRM ALL MEASUREMENTS IN THE FIELD AND NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCY WITH THE DRAWINGS PRIOR TO PERFORMING THE WORK. ALL QUANTITIES SHALL BE PAID ON THE BASIS OF FIELD MEASUREMENTS OF COMPLETED WORK, UNLESS THE CONTRACT PROVIDES FOR A LUMP SUM. PIPE LENGTHS ARE MEASURED FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE.

TYPICAL SECTION

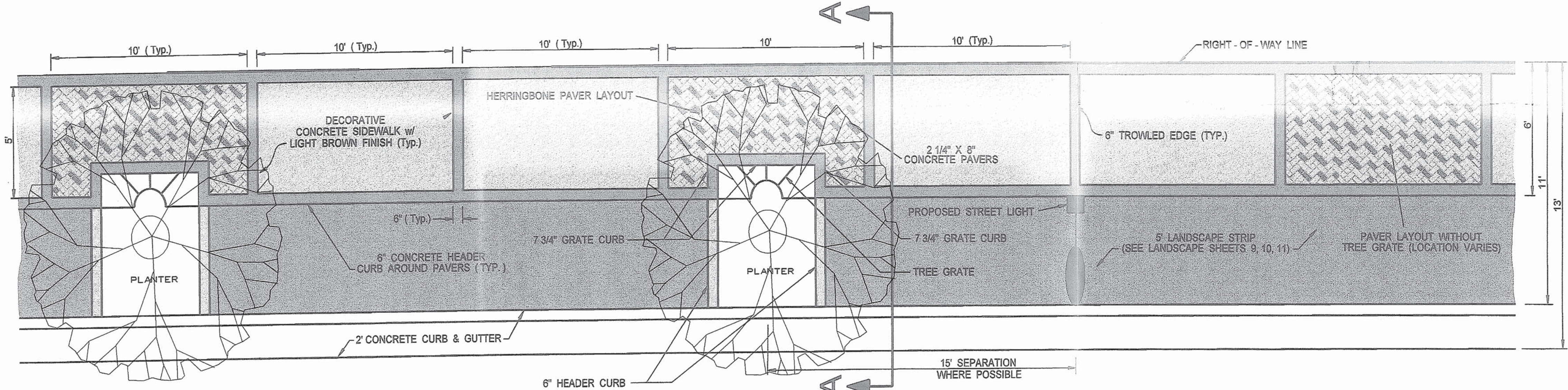
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002-2005-02
Exhibit A

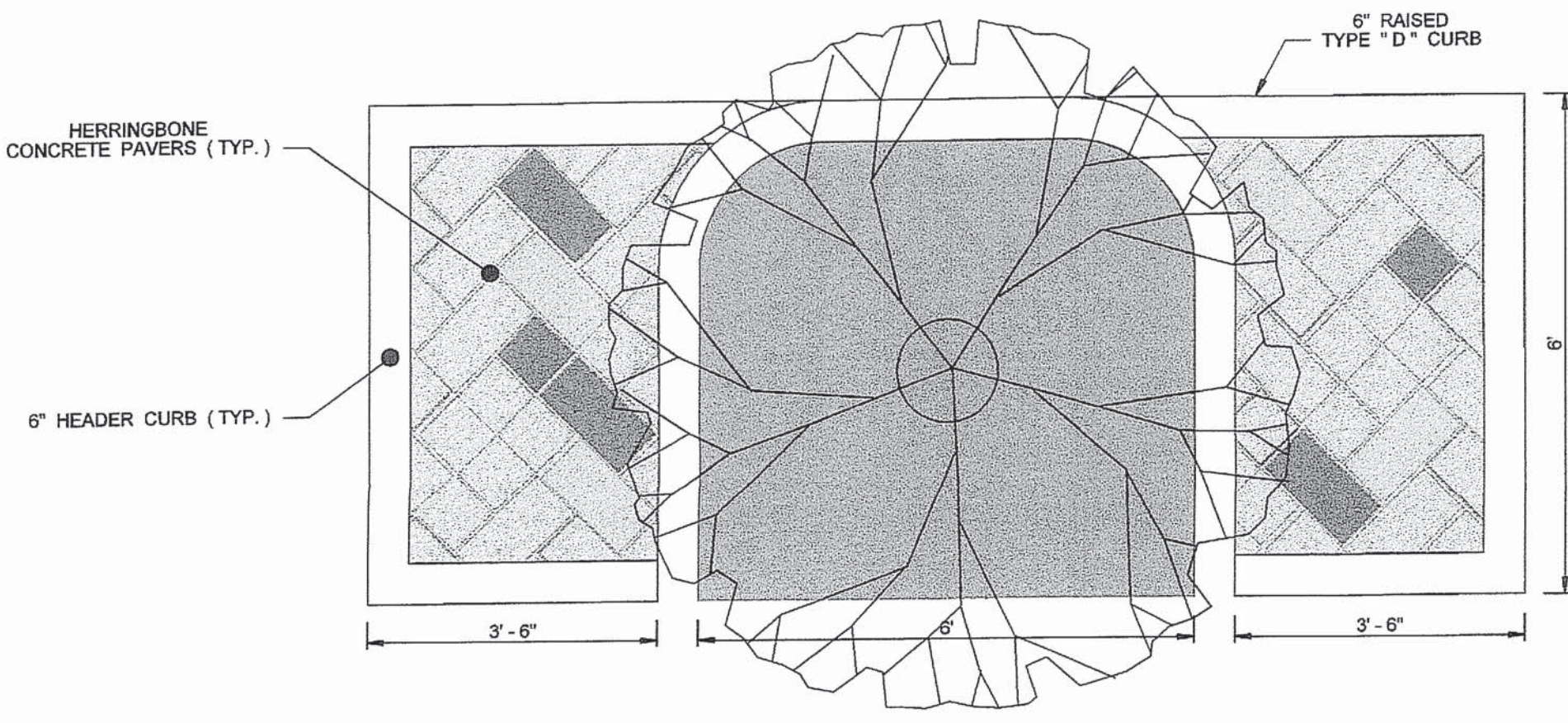
TYPICAL SIDEWALK DETAIL

N.T.S.



TREE ISLAND - EAST SIDE

N.T.S.



LEGEND

- STORMWATER CATCH BASIN
- STORM DRAIN MANHOLE
- TRAFFIC SIGN
- TYPE "D" CURB
- TYPE "F" CURB & GUTTER
- RESURFACING (3/4" THICK)
- COMPACTED SUBGRADE
- 8" LIMEROCK BASE
- 1" ASPHALT SURFACE & RESURFACING
- PAVEMENT & BASE REMOVAL
- EXISTING DRAINAGE SYSTEM
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING BELLSOUTH TELEPHONE
- RIGHT-OF-WAY LINE

ABBREVIATIONS LEGEND

- B.C.R. BROWARD COUNTY RECORDS
- C. CENTERLINE
- C.B.S. CONCRETE BLOCK & STUCCO
- CONC. CONCRETE
- ELEV. ELEVATION
- FND. FOUND
- INV. INVERT
- I.P. IRON PIPE
- I.R. IRON ROD
- L.B. LICENSED BUSINESS
- O.R.B. OFFICIAL RECORDS BOOK
- (P) PLAT
- P.B. PLAT BOOK
- P.G. PAGE
- PI POINT OF INTERSECTION
- PSM PROFESSIONAL SURVEYOR & MAPPER
- RCP REINFORCED CONCRETE PIPE
- R/W RIGHT OF WAY
- (S) AS SURVEYED IN THE FIELD
- 10" S.S. 10" SANITARY SEWER
- SAN. LAT. SANITARY LATERAL
- BST TELEPHONE
- TYP. TYPICAL
- W/ WITH
- 6" W.M. 6" WATER

SYMBOLS LEGEND

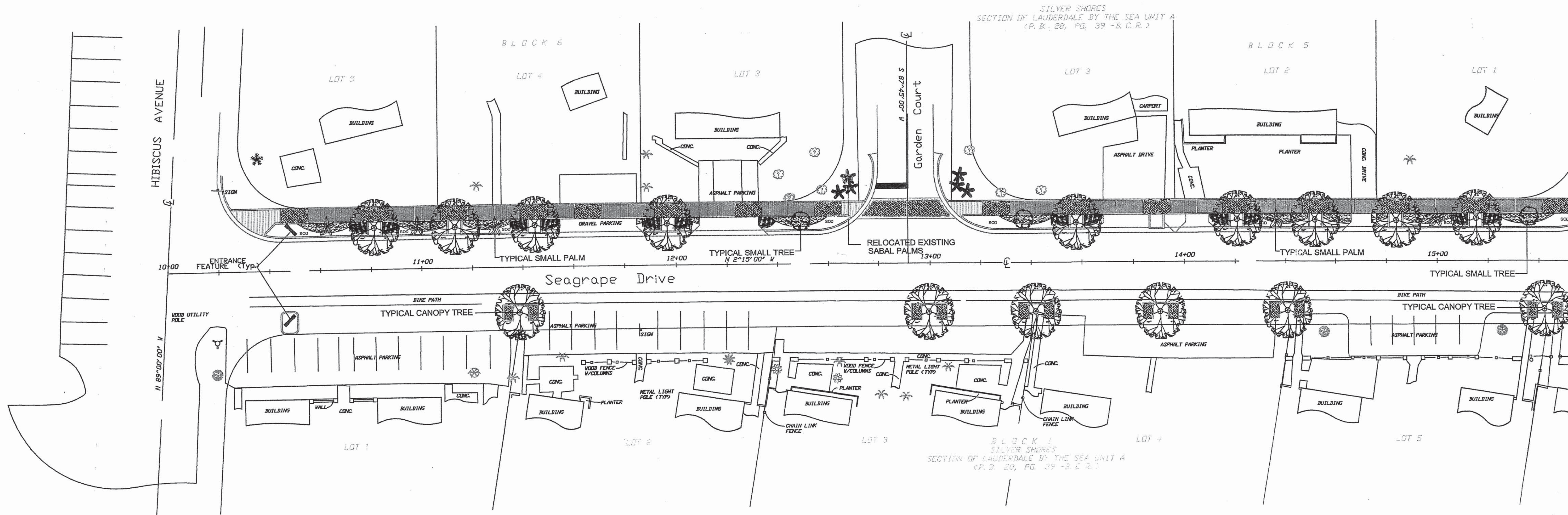
- AIR CONDITIONING UNIT
- CATCH BASIN
- CONCRETE LIGHT POLE
- CONCRETE UTILITY POLE
- CLEAN OUT
- ELECTRIC BOX
- ELEVATION
- FIRE HYDRANT
- BURIED GAS
- GUY ANCHOR
- METAL LIGHT POLE
- TELEPHONE BOX
- TELEPHONE MANHOLE
- SIGN
- SANITARY SEWER MANHOLE
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL POLE
- WOOD UTILITY POLE
- WOOD UTILITY POLE W/LIGHT
- WATER METER
- WATER VALVE
- VALVE BOX

SYMBOLS LEGEND

- BLACK OLIVE
- FICUS
- OAK
- PALM
- PINE
- SCHIFFELERA
- RUBBER
- UNKNOWN

LEGEND FOR PLAN SHEETS

N.T.S.



MATCH LINE SEE SHEET L-2

SEAGRAPE DRIVE REDEVELOPMENT

CONCEPTUAL LANDSCAPE PLAN

PREPARED FOR:
KELLER, INC.

PROJECT NO.
02-0010

L-1
SHEET **1** OF **3**

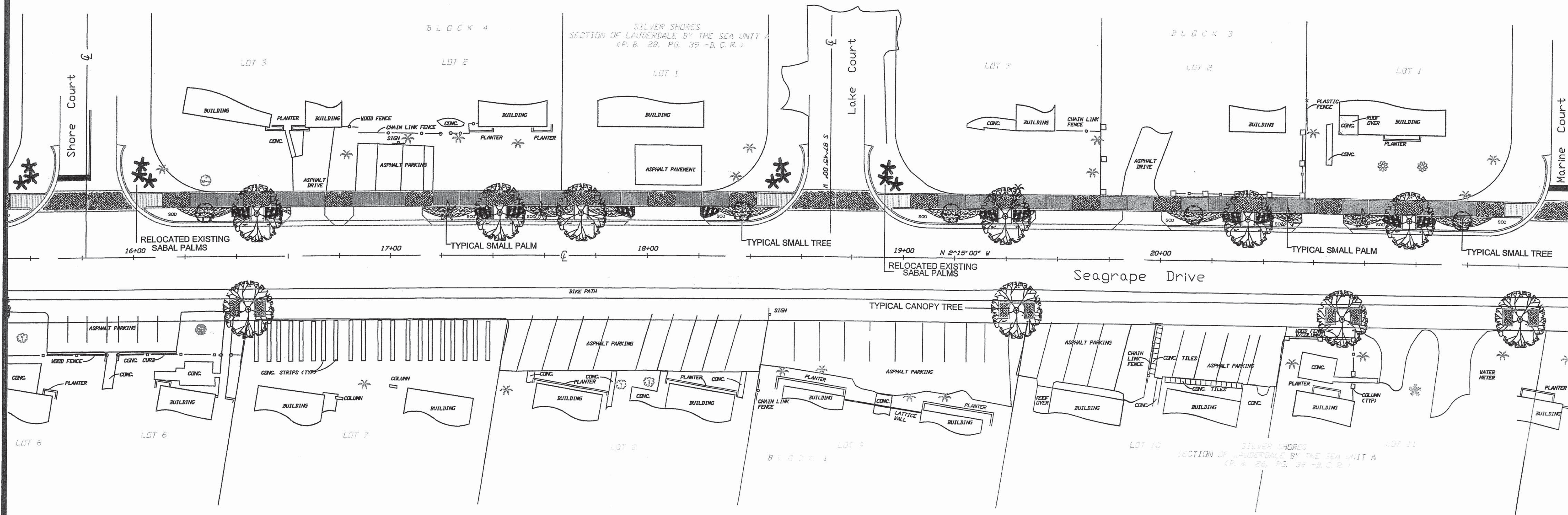
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SCALE:	1/20
DESIGN BY:	CSC
DRAWN BY:	CSC
CHECKED BY:	JDH
APPROVED BY:	
BY:	
DATE:	
DESCRIPTION:	

CRAVEN-THOMPSON & ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS
3953 N.W. 63RD STREET FORT LAUDERDALE, FLORIDA 33309
TEL: (854) 735-8000
FAX: (854) 735-8005

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FEB 17 2002

MATCH LINE SEE SHEET L-1



north
Scale: 1" = 20'

MATCH LINE SEE SHEET L-3

SEAGRAPE DRIVE REDEVELOPMENT

PREPARED FOR:
KELLER, INC.

CRAVEN THOMPSON & ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS
3553 N.W. 53RD STREET FORT LAUDERDALE, FLORIDA 33309
TEL: (954) 728-4400
FAX: (954) 728-4400

CONCEPTUAL LANDSCAPE PLAN

FEB 07 2002
PROJECT NO.
02-0010

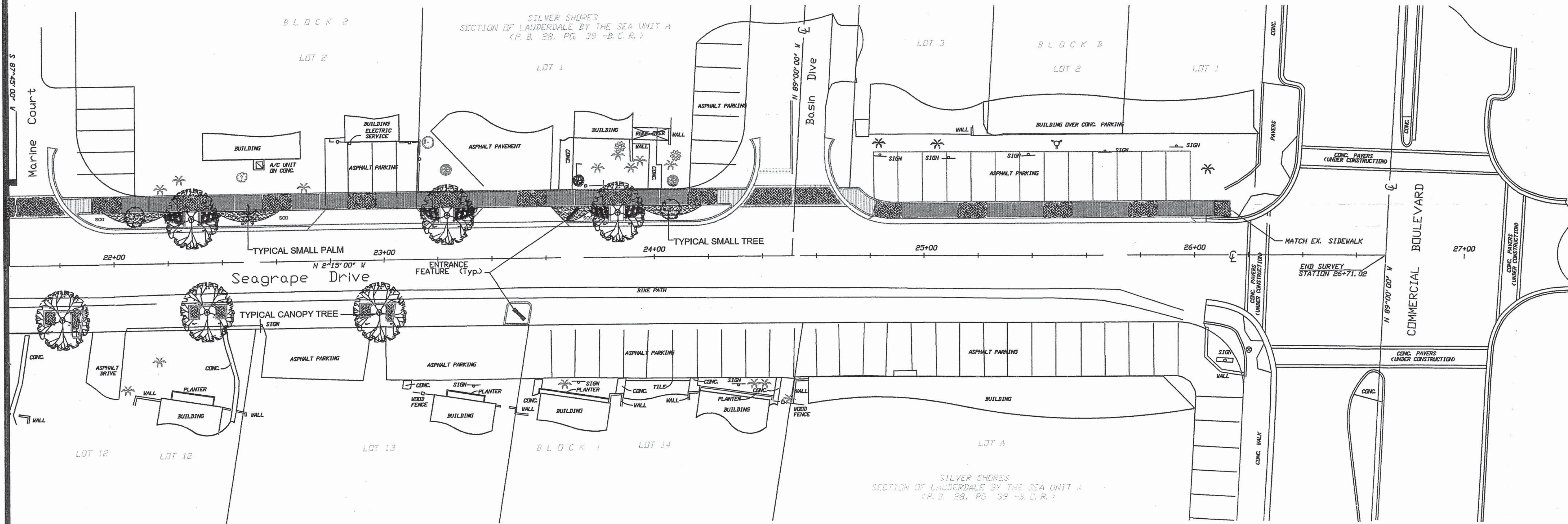
L-2

SHEET **2** OF **3**

DATE:	2/7/02	BY:		DATE:	
SCALE:	1/20	BY:		DATE:	
DESIGN BY:	CSC	BY:		DATE:	
DRAWN BY:	CSC	BY:		DATE:	
CHECKED BY:	JPH	BY:		DATE:	
APPROVED BY:		BY:		DATE:	

MAINTAIN EXISTING CURB AND GUTTER. ALL NEW PAVEMENT SHALL BE REPAVED TO MATCH EXISTING PAVEMENT. ALL NEW PAVEMENT SHALL BE REPAVED TO MATCH EXISTING PAVEMENT. ALL NEW PAVEMENT SHALL BE REPAVED TO MATCH EXISTING PAVEMENT.

MATCH LINE SEE SHEET L-2



north
Scale: 1" = 20'

DATE:	2/7/02
SCALE:	1:20
DESIGN BY:	CSC
DRAWN BY:	CSC
CHECKED BY:	JDH
APPROVED BY:	

GRAVEN-THOMPSON & ASSOCIATES, INC.
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3593 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309
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SEAGRAPE DRIVE REDEVELOPMENT

PREPARED FOR:
KELLER, INC.

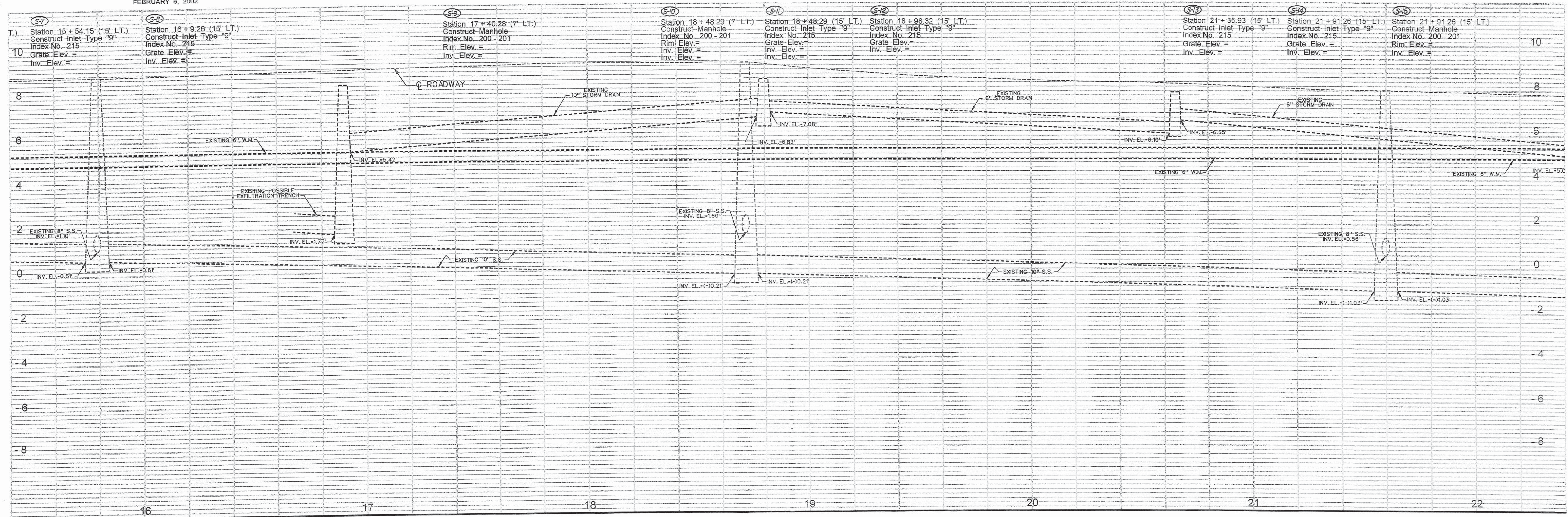
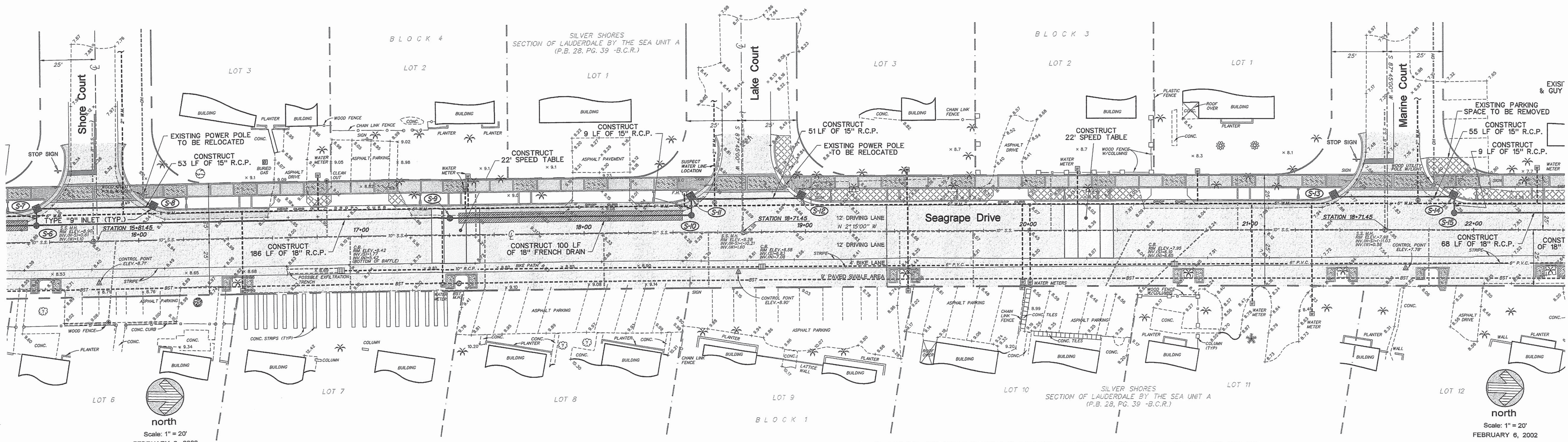
CONCEPTUAL LANDSCAPE PLAN

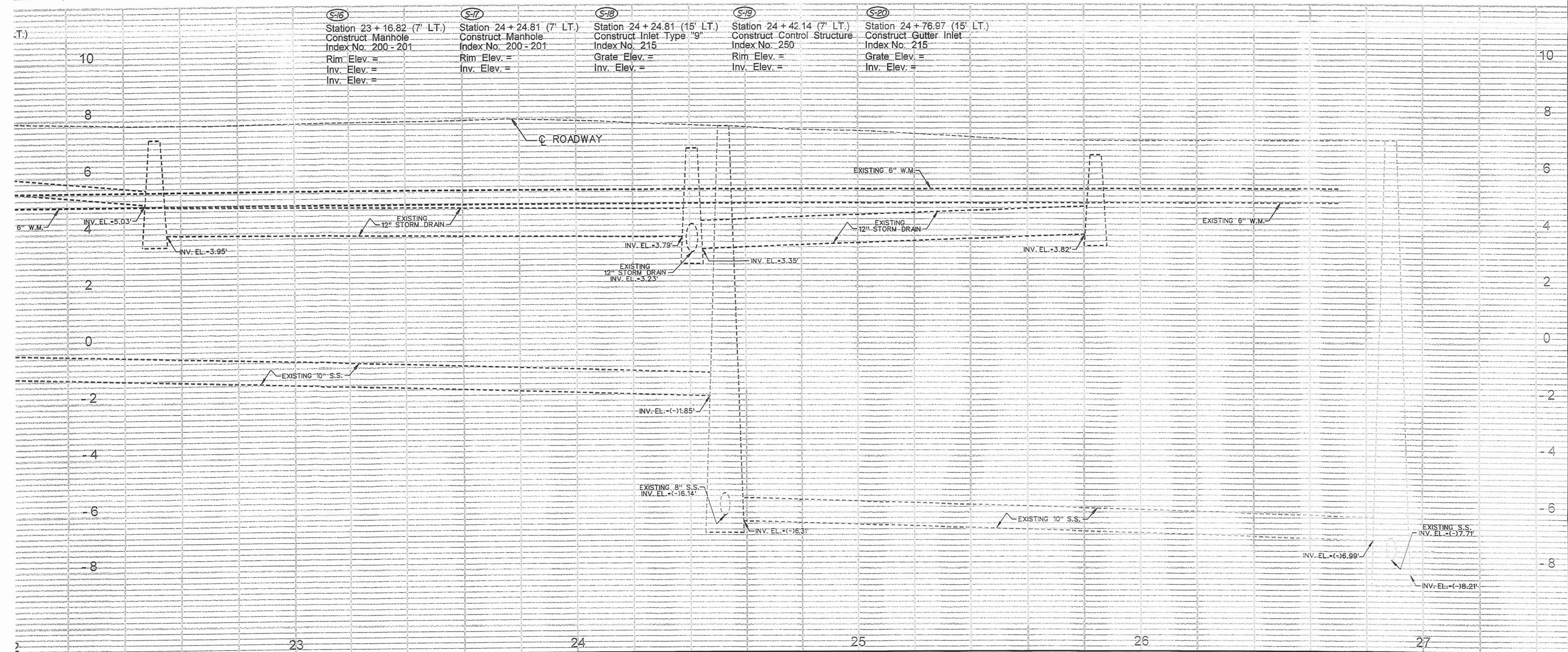
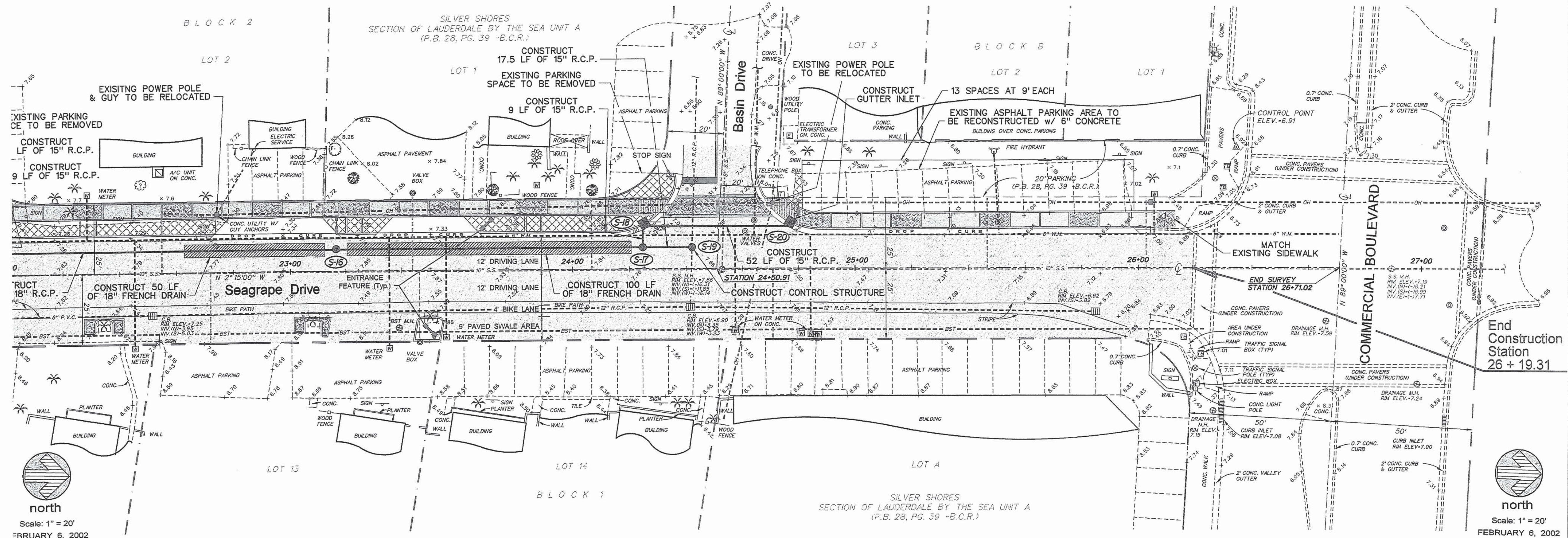
FEB 07 2002

PROJECT NO.
02-0010

L-3

SHEET **3** OF **3**





ORDINANCE NO. 2024-09

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” OF THE TOWN’S CODE OF ORDINANCES BY REPEALING ARTICLE XI “SEAGRAPE DRIVE SIDEWALK PLAN,” FROM THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (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 regulatory needs; and

WHEREAS, on January 11, 2025, the Town adopted Ordinance No. 2005-02, creating Article XI, titled “Seagrape Drive Sidewalk Plan,” of Chapter 30, Unified Land Development Regulations,” of the Town Code of Ordinances (the “Town Code”) to provide guidelines for sidewalk improvements along Seagrape Drive; and

WHEREAS, the Town Commission has determined that the Seagrape Drive Sidewalk Plan is no longer necessary or applicable due to changing development patterns and priorities within the Town; and

WHEREAS, the repeal of Chapter 30, “Unified Land Development Regulations,” Article XI, “Seagrape Drive Sidewalk Plan,” will allow for more flexible and modernized development standards for the Seagrape Drive corridor; and

WHEREAS, the Town desires to amend Chapter 30, “Unified Land Development Regulations,” Article XI, “Seagrape Drive Sidewalk Plan,” of the Town Code of Ordinances to reflect current policies, and provide consistency with Town objectives; and

EXHIBIT 2

WHEREAS, the Town Commission finds that it is in the best interest of the Town to repeal Chapter 30, “Unified Land Development Regulations,” Article XI, “Seagrape Drive Sidewalk Plan,” from the Town Code of Ordinances in its entirety.

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

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

Section 2. **Repeal.** That Chapter 30, “Unified Land Development Regulations,” Article XI, “Seagrape Drive Sidewalk Plan,” of the Town Code is hereby repealed as follows¹:

* * * * *

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

* * * * *

~~Article XI – SEAGRAPE DRIVE SIDEWALK PLAN~~

~~Sec. 30-571. Adopted.~~

~~The Town Commission adopts the Seagrape Drive Sidewalk Improvement Plan as the official design and construction guidelines for sidewalks on the east side of the Seagrape Drive right-of-way. A copy of the plan is attached to this Ord. No. 2005-02 as Exhibit "A." Amendments to the plan set may be made by resolution.~~

~~Sec. 30-572. Applicability of plan.~~

~~All development or redevelopment of property which has a common boundary with the right-of-way of Seagrape Drive shall contain construction design elements for a frontage sidewalk which conforms with the construction design elements shown on the Seagrape Drive Sidewalk Improvement Plan.~~

¹ Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

~~Sec. 30-573. Site plan requirements and conditions of approval.~~

~~An application for development or redevelopment of a property along Seagrape Drive shall be accompanied by a site plan which clearly depicts design elements which conform with the design elements shown on the Seagrape Drive Sidewalk Improvement Plan. All development orders of the Town Commission for properties along Seagrape Drive shall contain a condition of approval requiring compliance with the sidewalk improvement plan.~~

~~Sec. 30-574. Compatibility with plan required for permit issuance.~~

~~No permit shall be issued for building or development activity if the work to be performed will result in construction inconsistent with the Seagrape Drive Sidewalk Improvement Plan. Administrative decisions to deny a permit based on incompatibility with the sidewalk improvement plan may be appealed to the Town Commission which shall conduct a quasi-judicial hearing to determine if the decision of the administrator should be sustained, reversed, or modified. A decision of the Town Commission constitutes final action and is subject to review by writ of certiorari to a court of competent jurisdiction.~~

~~Sec. 30-575. Payment of fee in lieu of constructing sidewalk improvements.~~

~~A property owner may, at the discretion of the Town Commission, be required to pay a fee in lieu of constructing actual sidewalk improvements, when the Commission determines that construction of the required sidewalk should be deferred to be coordinated with additional sidewalk improvements on Seagrape Drive. The fee shall be determined on a front footage basis, whereby the front footage of the property shall be multiplied by _____, (which represents the total estimated cost of the Seagrape Drive sidewalk improvements, divided by the total number of frontage feet for the project, as certified by the Town Consulting Engineer).~~

* * * * *

Section 3. Codification. This Ordinance shall be codified in accordance with the

foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

EXHIBIT 2

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on first reading, this ____ day of _____, 2024.
Passed and adopted on the second reading, this ____ day of _____, 2024.

MAYOR EDMUND MALKOON

	First Reading	Second Reading
Mayor Malkoon	_____	_____
Vice-Mayor Strauss	_____	_____
Commissioner Pouloupoulos	_____	_____
Commissioner Denapoli	_____	_____
Commissioner Graziano	_____	_____

ATTEST:

Katrina Adler, Town Clerk

(CORPORATE SEAL)

EXHIBIT 2

117

118 APPROVED AS TO FORM:

119

120

121

122 _____
Susan L. Trevarthen, Town Attorney

123

124