

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

Agenda

Thursday, July 10, 2025

6:00 PM



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

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Regular Planning and Zoning Board

Thursday, July 10, 2025, 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. October 2, 2024 Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. 2025-LVL2-AA-03: Pursuant to Chapter 30 "Unified Land Development Regulations," Section 30-128 "Administrative adjustments of the Town's Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-313 (t)(2) "Permanent Generators" of the Town's Code of Ordinances, to permit the encroachment of a generator one (1) foot into the required 5-foot side setback for the property located at 228 Imperial Lane.

5.b. **Application Number:**2024-CU-01-Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 3 "Conditional Use Procedures And Requirements" of the Town Code of Ordinances ("Town Code"), the Applicant has requested Conditional Use Approval (2023-CU-01) to construct a residential duplex within the RM-25 zoning district at the property located at 4628 Bougainville Drive.

5.c. **Application Number** 2025-L2-AA-02- Pursuant to Chapter 30 "Unified Land Development Regulations," Section 30-128 "Administrative adjustments of the Town's Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-241 (h) (6) (b) "Side Setbacks" of the Town's Code of Ordinances, to permit an encroachment of (2) feet into the required 12-foot side setback for the property located at 4628 Bougainville Drive.

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: July 10, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: APPROVAL OF MINUTES

Subject Title: October 2, 2024 Minutes

Explanation:

Recommendation:

Exhibits:

1. October 2 2024 Minutes

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, October 2, 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 6:02PM.

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 and Leslie Richardson, and 1st Alternate William (Bill) Ferrante. Those not present were Board Member Jeff Goldman and 2nd Alternate Patrick Ucci. Present in person were Town Attorney James White, Development Services Director (DSD) Jhanelle Campbell, Assistant Development Services Director (ADSD) Muriel Ramirez and Board Clerk Megan Small.

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 – September 4, 2024

Vice Chair Karen Blake asked for one correction to be made to the September 4, 2024 minutes and then the corrected September 4, 2024 minutes were to be presented again on the next P&Z agenda for approval with the one correction. Vice Chair Blake requested that the standard be added to the end of the first line in the motion – by adding the following words: because the appellant did not show that Staff's interpretation of the phrase was clearly erroneous. The Vice Chair said those words were the standard that this was hooked on. She further requested that Staff, in future reports, puts the reasoning in so that the Town Commission knew why. The motion would now read:

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 because the appellant did not show that Staff's interpretation of the phrase was clearly erroneous. The motion was seconded by Board Member Ferrante. The motion to deny 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 he told DSD Campbell that he agreed with the Board's decision for denial at their last P&Z Meeting regarding CBD. They supported Staff's recommendation to deny. At the last Commission Meeting, he agreed with the Commission's authorization to allow the store for CBD stuff. It all made sense. He believed that the actual

words of the Town's Ordinances support everything he says. He spoke about one of his neighbors who had a rooftop recreation area (activity area) removed by the Town years ago. Then next door to him, a young couple with two children bought the house and rebuilt it. They only built one floor and wanted to put an activity area on top. They complained to him that the Town would not allow that.

In mid-July, Mr. Pearson spoke to the Town about a house behind a house in front of him, over a canal and over a street about ½ mile from him. He informed as to what he thought they were doing. He turned in an appeal. He was informed by the Town that he did not do reasonable diligence and they explained about his timing with the appeal. He asked how was he, who was not involved with the permitting process, supposed to bring to the Town's attention what was going on ½ mile away from his home. He explained everything he went through in order to turn in the appeal that was denied by the Town for an activity area, third floor, etc. regarding this house. Then he turned in an appeal on the reasonable diligence decision to deny by the Town. He recommended to the P&Z Board, to advise the Town Commission to tell the Town to give him the reasonable diligence appeal. Chair Sylvester informed that she knew that Staff was working with Mr. Pearson and were reviewing his Appeal. If it was appropriate, it would come in front of the Board.

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.

Development Services Director Campbell presented this item stating the ordinance before them was a repeal of the "Seagrape Drive Sidewalk Plan" which was adopted in 2005. The plan required property owners redeveloping on Seagrape Drive to comply with the sidewalk plan design. Since 2005, there was only one property that had to comply with the code provision. This was the only property that paid into the fund. It did not seem appropriate to the Town Commission to continue to have these regulations on the books. The Town was recommending to appeal them (via Ordinance 2024-09). The DSD called for board questions.

Board Member Piersante questioned that Line 16 depicted the date January 11, 2025 and it should have been January 11, 2005 (regarding Ordinance 2005-02). DSD Campbell said that was a typo that would be fixed. Vice Chair Blake wanted to know that once this was repealed, would there be any other standards that apply in case there was construction or rebuilding or something. DSD Campbell answered that would depend on the project. It would be on a project-by-project basis. She further said that there were engineering standards for sidewalks that were reviewed by our Town engineer. Board Member Piersante said it made sense to him to take this out. He felt that the sidewalk on the west side was really good.

For the record, the Chair said there was no one present for Public Comment. There were no other board questions.

Board Member Richardson made a motion to approve ORDINANCE 2024-09 as presented by Staff with the correction of the typo to reflect 2005. The motion was seconded by Board Member Piersante. The motion to approve ORDINANCE 2024-09 as presented by Staff with the typo correction for 2005 carried 5-0.

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Board Member Richardson made a motion to adjourn at approximately 6:13PM. The motion was seconded by Vice Chair Blake. The motion to adjourn carried 5-0.

Chair Karen Sylvester

ATTEST:

Date Accepted: _____



Planning and Zoning Board Agenda Item Report

Meeting Date: July 10, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: 2025-LVL2-AA-03: Pursuant to Chapter 30 "Unified Land Development Regulations," Section 30-128 "Administrative adjustments of the Town's Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-313 (t)(2) "Permanent Generators" of the Town's Code of Ordinances, to permit the encroachment of a generator one (1) foot into the required 5-foot side setback for the property located at 228 Imperial Lane.

Explanation: 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 Scott Phillips (the "Applicant") to allow a 1-foot encroachment into the 5-foot required side setback for a generator for property located at 228 Imperial Lane (the "Property") (**Diagram 1**). The Applicant is requesting an Administrative Adjustment to allow an encroachment into the side setback.



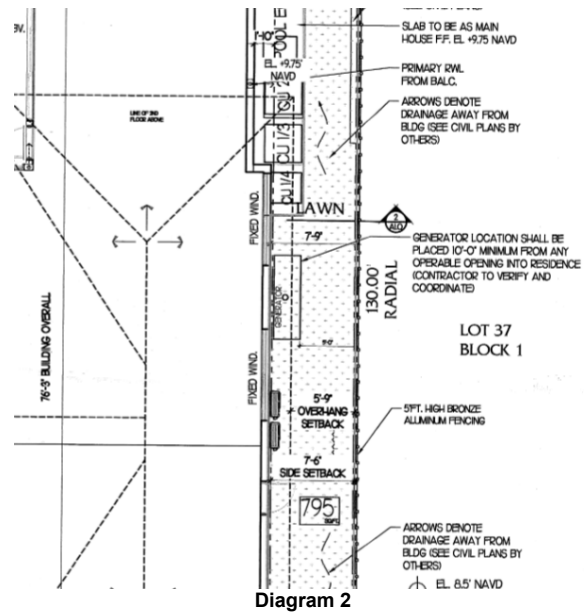
Diagram 1

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 Administrative Adjustment has been advertised, pursuant to Section 30-139 of the Town Code of Ordinances (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 RS-5 zoning district (**Exhibit 3**). The property is 9,473 SF (.22 acres) in size. The proposal is to allow a 1-foot encroachment into the 5-foot required side setback for a temporary generator (**Diagram 2** shows the location of the generator). The generator has already been installed on the western property

boundary of the Property and has been reviewed for compliance with building safety standards, functional maintenance accessibility and impact on adjacent properties. The initial plan review of the generator took place on February 2, 2024, which was denied for failure to meet side yard setback requirements (**Exhibit 4**). A second review on April 18, 2024, maintained the denial for the same reason. On June 21, 2024 (**Exhibit 4**), the third review approved the plan with notes indicating that setback, height, and screening compliance would be verified during zoning inspection (**Exhibit 4**). In October 2024, during an inspection for an unrelated issue, Town staff observed the generator slab placed too close to the west property line, triggering compliance concerns. This led to a formal notification to Barron Development on October 29, 2024, requesting revised plans, which were not received until May 9, 2025 (**Exhibit 5**). Upon review of the final survey, staff confirmed the generator still encroached approximately one foot into the required five-foot side setback. A zoning email dated May 28, 2025 (**Exhibit 6**), reiterated that the current generator location did not comply with Town Code and would require an administrative adjustment application, including review by both the Planning & Zoning Board and Town Commission, prior to issuance of a final Certificate of Occupancy.



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 7**) 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>228 Imperial Lane</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1- foot encroachment request where 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 the following standards are met:

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

Applicant response: The administrative adjustment is to encroach 1-foot into the required 5 foot side setback for generators. This has no impact on density.

Staff response: The criterion has been met.

2. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

Applicant response: The Administrative Adjustment is to encroach 1-foot into the required 5-foot side setback for generators. The generator has been placed on the ground and as such does not impact the height of the building.

Staff response: The criterion has been met.

3. 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, at the side of the property where the generator is located.

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 adjustment is required to accommodate manufacturer-specified spacing necessary for safe operation and servicing in case of emergency, and to comply with the Town's fire safety requirements for clearance from the home.

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

Applicant Response: The adjustment supports the zoning district's purpose by enabling the installation of equipment that provides backup power to the residence during emergencies

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: The adjustment is requested pursuant to conditions (vi) and (viii), as it pertains to the placement of a detached structure necessary to meet both legal fire safety requirements and manufacturer-specified spacing.

Staff response: The criterion has been met.

5. 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: Correct – the proposed adjustment does not pose any danger to public health or safety and does not affect any adjacent lands.

Staff response: This criterion is not fully met. While the generator serves a functional purpose, its proposed location near the side property line may result in noise impacts that could affect the convenience and enjoyment of adjacent properties. Further evaluation or mitigation measures may be necessary to address potential concerns.

6. 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: I believe this would be a yes answer – does not compromise or make the home incompatible or out of character with this adjustment.

Staff response: The criterion has been met.

7. 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 no adverse impacts at all with this adjustment.

Staff response: The criterion has not been met. Placing the generator close to the neighboring residence may result in adverse impacts, including increased noise levels which could negatively affect the comfort and enjoyment of the adjacent property.

8. The Administrative Adjustment is consistent with the comprehensive plan.

Applicant response: This administrative adjustment is consistent with the approved generator installation plan and manufacturer specifications and life safety operational requirements.

Staff Response: The criterion has been met.

Recommendation: Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant has not met the criteria within the Land Development Code and Staff does not recommend approval of the Level 2 Administrative Adjustment. However, if approved, staff recommends approval of the Level 2 Administrative Adjustment with the following conditions (**Exhibit 8- Development Order**):

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.
2. The generator must be fully screened from public view and neighboring properties with either: A solid opaque fence or wall, or Landscaping material planted at a minimum of 18 inches and maintained to the height of the generator or four feet, whichever is greater.
3. The generator must comply with the noise level requirement of less than or equal to 70 decibels at 25 feet from the generator in any direction.
4. The generator's exhaust must be directed upward and away from adjacent properties where practically feasible.

Exhibits:

1. Exhibit 1 - Lvl 2 Admin Adjustment Submittal Application
2. Exhibit 2 - Sec. 30-139. Notice of Public Hearings
3. Exhibit 3 - Subdivision D. RS-5 District Regulations
4. Exhibit 4 - Plan Review Comments and Approval Notes
5. Exhibit 5 - Barron Development Original Notification
6. Exhibit 5 - Final Survey Route Review
7. Exhibit 6 - Final Survey Zoning Review Comments
8. Exhibit 6 - Zoning notification of non-compliance associated with TCO issuance
9. Exhibit 7 - Sec. 30-128. Administrative Adjustments

LAUDERDALE BY THE SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

MAY 27 '25 15:42



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: _____ 2025-WL2-PA-03

BTR #: _____

Date Application Submitted: _____ 05/27/2025

Date Application Found Complete: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____ \$400.00

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: Phillips Residence

Code Section from which Administrative Adjustment is sought: D # i, ii

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) \$400 ATTACHED.
- A description of the request GENERATOR REQUEST APPROVAL ENCREACHING
- Two (2) current surveys, signed and sealed. APPROX. 1'-0" INTO SETBACK.
- 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

MAY 27 25 15:43



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

Project Name: Phillips Residence

Folio Numbers: 4943 18 04 0390

Street Address: 228 Imperial Lane

Legal Description: LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 37 BLK 1

Name of Property Owner: Scott and Rosa Phillips Property Owner's Phone #: 412-680-1394

Address of Property Owner: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Property Owner's Email Address: scott@phillips.bz

Name of Applicant: Scott Phillips Applicant's Phone #: 412-680-1394

Applicant's Address: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Applicant Email Address: scott@phillips.bz

Name of Agent (e.g. Contractor Representing the Project): James M. Barron

Agent's Email Address: jim@barrondevelopment.com Agent's Phone #: 954-249-4250

Agent's Address: 2890 Marina Mile Blvd Ste 115, Ft Lauderdale, FL 33312

Land Use Plan Designation: _____ Zoning District: _____

Existing Use of the Subject Property: Single family residence

Proposed Use of the Subject Property: Single family residence

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I _____ (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: SCOTT PHILLIPS Date: 5/23/25

Signature of Property Owner: Scott Phillips

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Scott Phillips Date: 5/23/25

Signature of Property Owner: Scott Phillips

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization, this day 23 of MAY, 2025

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

Print Notary Name: CINDY CORREA

Notary Signature: Cindy Correa



Applicant

Print Name of Property Owner: Scott Phillips Date: 5/23/25

Signature of Property Owner: Scott Phillips

State of Florida:

County:



5/28/2020

Universal Application

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization, this day 23 of MAY, 2025.

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

Print Notary Name: CINDY CORREA My Commission Expires: _____

Notary Signature: Cindy Correa





PINNELL SURVEY, INC.

EXHIBIT 1

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073
PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net
CERTIFICATE NO.: LB6857

SURVEY ADDRESS:

228 IMPERIAL LANE
LAUDERDALE BY THE SEA, FLORIDA 33308

CERTIFY TO:

1. ROSA AND SCOTT PHILLIPS

FLOOD ZONE & ELEVATIONS:

FLOOD ZONE: X / X(0.2%) / AB
BASE FLOOD ELEVATION: 6' / 7'
CONTROL PANEL NO.: 125123-0386-J
DATE OF FIRM INDEX: 07/31/24

REFERENCE BENCHMARK: CITY OF FORT
LAUDERDALE B.M. @ DUPONT BOULEVARD
AND ALLEY S. OF COMMERCIAL BOULEVARD
ELEVATION = 5.598' (NGVD 1929)
ELEVATION = 4.013' (NAVD 1988)

POTENTIAL ENCROACHMENTS:

1. RETAINING WALL CROSSES OVER THE EASTERLY PROPERTY LINE.

LEGAL DESCRIPTION:

LOT 37, BLOCK 1, OF "LAUDERDALE SURF & YACHT ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LEGEND & ABBREVIATIONS:

A = ARC	D.E. = DRAINAGE BASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.E. = POOL EQUIPMENT
A.E. = ANCHOR EASEMENT	E.S. = ELECTRIC SERVICE	P.I. = POINT OF INTERSECTION
B.M. = BENCHMARK	F.P. & L. = FLORIDA POWER & LIGHT	P.R.C. = POINT OF REVERSE CURVE
B.C.R. = BROWARD COUNTY RECORDS	L.B. = LICENSED BUSINESS	P.O.B. = POINT OF BEGINNING
C.B.S. = CONCRETE BLOCK STRUCTURE	L.P. = LIGHT POLE	P.O.C. = POINT OF COMMENCEMENT
CHATT. = CHATTAHOOCHEE	M.H. = MANHOLE	P.P. = POWER POLE
C.O. = CLEANOUT	(M) = MEASURED	R = RADIUS
CONC. = CONCRETE	NAVD = NORTH AMERICAN VERTICAL DATUM	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NGVD = NATIONAL GEODETIC VERTICAL DATUM	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	NO. = NUMBER	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY BASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊥ = CENTRLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	$\frac{c}{h}$ = ELEVATION

GENERAL NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. REFERENCE BENCHMARK ELEVATION DATUM WAS CONVERTED FROM NGVD 1929 TO NAVD 1988 USING CORPSCON 6.0.1.

CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FORGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 53-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, UNLESS IT IS ELECTRONICALLY SIGNED AND SEALED.

JASON H. PINNELL
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY
FINAL SURVEY (25-0710)	04/22/25	K.M.
UPDATE SURVEY & ELEVATIONS (25-0295)	02/18/25	K.M.
POOL SPOT SURVEY (23-1358)	08/18/23	S.A.
SPOT SURVEY (22-2245)	11/09/22	S.A.
FORM BOARD SURVEY (22-2179)	10/29/22	J.P.
UPDATE SURVEY & ADD SITE ELEVATIONS (21-1050)	05/18/21	K.M.

SKETCH NO.: 07-2807

DATE OF SURVEY: 11/16/07

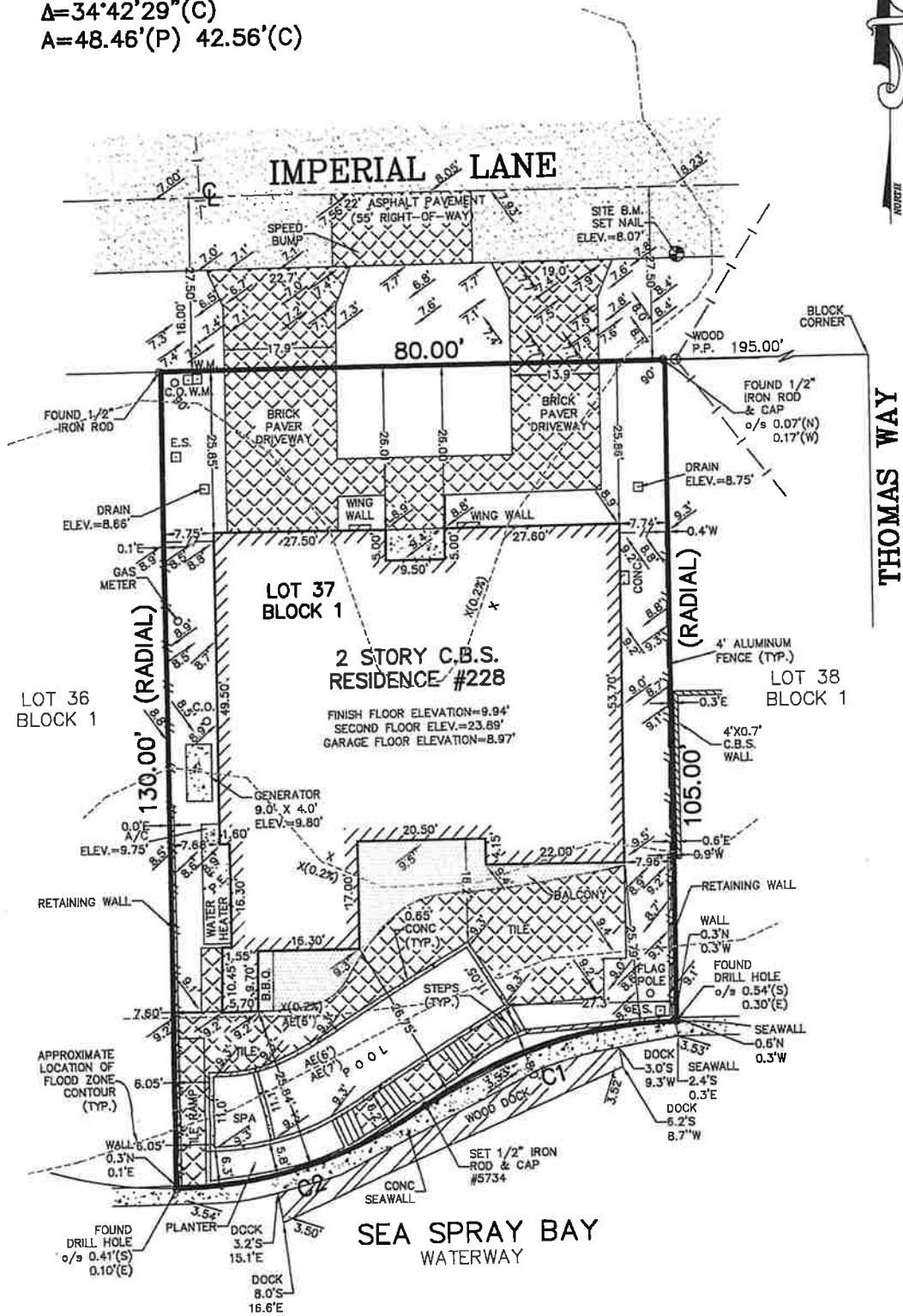
CHECKED BY: S.A.

FIELD BOOK/PAGE: 289/74, FILE

SIDE 1 OF 2

C1: R=80.00'(P) 70.25'(C)
 $\Delta=34^{\circ}42'29''(C)$
 A=48.46'(P) 42.56'(C)

C2: R=80.00'(P) 70.25'(C)
 $\Delta=34^{\circ}42'29''(C)$
 A=48.46'(P) 42.56'(C)



SCALE: 1" = 20'	SKETCH NO.: 07-2807
DRAWN BY: K.W.	SIDE 2 OF 2

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
<p>A1. Building Owner's Name: <u>ROSA AND SCOTT PHILLIPS</u></p> <p>A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>228 IMPERIAL LANE</u></p> <p>City: <u>LAUDERDALE BY THE SEA</u> State: <u>FL</u> ZIP Code: <u>33308</u></p> <p>A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>LOT 37, BLOCK 1, PLAT BOOK 22, PAGE 46, B.C.R. (ID# 4943 18 04 0390)</u></p> <p>A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>RESIDENTIAL</u></p> <p>A5. Latitude/Longitude: Lat. <u>26.183821°</u> Long. <u>-80.098823°</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983 <input checked="" type="checkbox"/> WGS 84</p> <p>A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).</p> <p>A7. Building Diagram Number: <u>1A</u></p> <p>A8. For a building with a crawlspace or enclosure(s):</p> <p style="margin-left: 20px;">a) Square footage of crawlspace or enclosure(s): <u>N/A</u> sq. ft.</p> <p style="margin-left: 20px;">b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p style="margin-left: 20px;">c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u></p> <p style="margin-left: 20px;">d) Total net open area of non-engineered flood openings in A8.c: <u>N/A</u> sq. in.</p> <p style="margin-left: 20px;">e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>N/A</u> sq. ft.</p> <p style="margin-left: 20px;">f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.</p> <p>A9. For a building with an attached garage:</p> <p style="margin-left: 20px;">a) Square footage of attached garage: <u>590</u> sq. ft.</p> <p style="margin-left: 20px;">b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p style="margin-left: 20px;">c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>2</u></p> <p style="margin-left: 20px;">d) Total net open area of non-engineered flood openings in A9.c: <u>0</u> sq. in.</p> <p style="margin-left: 20px;">e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>400</u> sq. ft.</p> <p style="margin-left: 20px;">f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.</p>	<p>Policy Number: _____</p> <p>Company NAIC Number: _____</p>
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
<p>B1.a. NFIP Community Name: <u>LAUDERDALE BY THE SEA</u> B1.b. NFIP Community Identification Number: <u>125123</u></p> <p>B2. County Name: <u>BROWARD</u> B3. State: <u>FL</u> B4. Map/Panel No.: <u>12011C0386</u> B5. Suffix: <u>J</u></p> <p>B6. FIRM Index Date: <u>07/31/2024</u> B7. FIRM Panel Effective/Revised Date: <u>07/31/2024</u></p> <p>B8. Flood Zone(s): <u>X / X(0.2%)</u> B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>N/A</u></p> <p>B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____</p> <p>B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____</p> <p>B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: <u>N/A</u> <input type="checkbox"/> CBRS <input type="checkbox"/> OPA</p> <p>B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 228 IMPERIAL LANE	FOR INSURANCE COMPANY USE
City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308	Policy Number: _____ Company NAIC Number: _____

**SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)**

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ feet meters above or below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ feet meters above or below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: _____ feet meters above or below the HAG.

E3. Attached garage (top of slab) is: _____ feet meters above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: _____ feet meters above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ Email: _____

Signature: _____ Date: _____

Comments: _____

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 228 IMPERIAL LANE	FOR INSURANCE COMPANY USE
City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308	Policy Number: _____ Company NAIC Number: _____

**SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES
(SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)**

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

- H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):
- a) For Building Diagrams 1A, 1B, 3, and 5–8. Top of bottom _____ feet meters above the LAG floor (include above-grade floors only for buildings with crawlspaces or enclosure floors) is:
- b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next _____ feet meters above the LAG higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is:
- H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?
 Yes No

SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge. Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.*

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ Email: _____

Signature: _____ Date: _____

Comments: _____

ELEVATION CERTIFICATE

EXHIBIT 1

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
228 IMPERIAL LANE

FOR INSURANCE COMPANY USE

Policy Number: _____

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: FRONT VIEW

04/22/25

Clear Photo One



Photo Two

Photo Two Caption: RIGHT SIDE VIEW

04/22/25

Clear Photo Two

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11
BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
228 IMPERIAL LANE

FOR INSURANCE COMPANY USE

Policy Number: _____

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: LEFT SIDE VIEW

04/22/25

Clear Photo Three



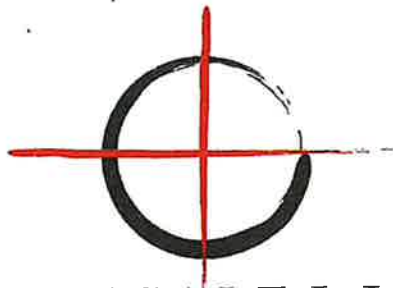
Photo Four

Photo Four Caption: REAR VIEW

04/22/25

Clear Photo Four

MAY 1ST, 2025



PINNELL
SURVEY, INC.

Pinnell Survey, Inc.
5300 W. Hillsboro Blvd., Suite 215-A
Coconut Creek, FL 33073
Ph: 954-418-4940
order@sfland.net

Property Address: 228 IMPERIAL LANE LAUDERDALE BY THE SEA, FLORIDA 33308
RE: Extra Photos for Elevation Certificate



2 SMART VENTS MODEL 1540-510 =
200 SQ. FT. OF COVERAGE PER VENT
TOTAL NET AREA = 400 SQ. FT. OF
COVERAGE



Most Widely Accepted and Trusted

ICC-ES Evaluation Report

ICC-ES | (800) 423-6587 | (562) 699-0543 | www.icc-es.org

ESR-2074

Reissued 02/2025

This report is subject to renewal 02/2027.

DIVISION: 08 00 00—OPENINGS

SECTION: 08 95 43—VENTS/FOUNDATION FLOOD VENTS

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

**SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520;
#1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
FLOOD VENT SEALING KIT #1540-526**



*"2014 Recipient of Prestigious Western States Seismic Policy Council
(WSSPC) Award in Excellence"*



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ICC-ES Evaluation Report

ESR-2074

Reissued February 2025


This report also contains:

- CA Supplement
- FL Supplement

Subject to renewal February 2027

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<p>DIVISION: 08 00 00— OPENINGS</p> <p>Section: 08 95 43— Vents/Foundation Flood Vents</p>	<p>REPORT HOLDER:</p> <p>SMART VENT PRODUCTS, INC.</p>	<p>EVALUATION SUBJECT:</p> <p>SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540- 520; #1540-521; #1540- 510; #1540-511; #1540- 570; #1540-574; #1540- 524; #1540-514</p> <p>FLOOD VENT SEALING KIT #1540-526</p>	
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1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 International Building Code® (IBC)
- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 International Residential Code® (IRC)
- 2024, 2021 and 2018 International Energy Conservation Code® (IECC)
- 2013 Abu Dhabi International Building Code (ADIBC)[†]

[†]The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Physical operation
- Water flow

2.0 USES

The Smart Vent® units are engineered mechanically operated flood vents (FVs) employed to equalize hydrostatic pressure on walls of enclosures subject to rising or falling flood waters. Certain models also allow natural ventilation.

3.0 DESCRIPTION

3.1 General:

When subjected to rising water, the Smart Vent® FVs internal floats are activated, then pivot open to allow flow in either direction to equalize water level and hydrostatic pressure from one side of the foundation to the other. The FV pivoting door is normally held in the closed position by a buoyant release device. When subjected to rising water, the buoyant release device causes the unit to unlatch, allowing the door to rotate out of the way and allow flow. The water level stabilizes, equalizing the lateral forces. Each unit is fabricated from stainless steel. Smart Vent® Automatic Foundation Flood Vents are available in various models and sizes as described in **Table 1**. The SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 units each contain two vertically arranged openings per unit.



3.2 Engineered Opening:

The FVs comply with the design principle noted in Section 2.7.2.2 and Section 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)] for a maximum rate of rise and fall of 5.0 feet per hour (0.423 mm/s). In order to comply with the engineered opening requirement of ASCE/SEI 24, Smart Vent FVs must be installed in accordance with Section 4.0.

3.3 Ventilation:

The SmartVENT® Model #1540-510 and SmartVENT® Overhead Door Model #1540-514 both have screen covers with 1/4-inch-by-1/4-inch (6.35 by 6.35 mm) openings, yielding 51 square inches (32 903 mm²) of net free area to supply natural ventilation. The SmartVENT® Stacking Model #1540-511 consists of two Model #1540-510 units in one assembly, and provides 102 square inches (65 806 mm²) of net free area to supply natural ventilation. Other FVs described in this report do not offer natural ventilation.

3.4 Flood Vent Sealing Kit:

The Flood Vent Sealing Kit Model #1540-526 is used with SmartVENT® Model #1540-520. It is a Homasote 440 Sound Barrier® (ESR-1374) insert with 21 – 2-inch-by-2-inch (51 mm x 51 mm) squares cut in it. See [Figure 4](#).

4.0 DESIGN AND INSTALLATION

4.1 SmartVENT® and FloodVENT®:

SmartVENT® and FloodVENT® are designed to be installed into walls or overhead doors of existing or new construction from the exterior side. Installation of the vents must be in accordance with the manufacturer's instructions, the applicable code, and this report. Installation clips allow mounting in masonry and concrete walls of any thickness. In order to comply with the engineered opening design principle noted in Section 2.7.2.2 and 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)], the Smart Vent® FVs must be installed as follows:

- With a minimum of two openings on different sides of each enclosed area.
- With a minimum of one FV for every 200 square feet (18.6 m²) of enclosed area, except that the SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 must be installed with a minimum of one FV for every 400 square feet (37.2 m²) of enclosed area.
- Below the base flood elevation.
- With the bottom of the FV located a maximum of 12 inches (305.4 mm) above the higher of the final grade or floor and finished exterior grade immediately under each opening.

4.2 Flood Vent Sealing Kit

The Flood Vent Sealing Kit Model 1540-526 is used in conjunction with FloodVENT® Model #1540-520. When installed and tested in accordance with ASTM E283, the FV and Flood Vent Sealing Kit assembly have an air leakage rate of less than 0.2 cubic feet per minute per lineal foot (18.56 l/min per lineal meter) at a pressure differential of 1 pound per square foot (50 Pa) based on 12.58 lineal feet (3.8 lineal meters) contained by the Flood Vent Sealing Kit.

5.0 CONDITIONS OF USE:

The Smart Vent® FVs described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

- 5.1 The Smart Vent® FVs must be installed in accordance with this report, the applicable code and the manufacturer's installation instructions. In the event of a conflict, the instructions in this report govern.
- 5.2 The Smart Vent® FVs must not be used in the place of "breakaway walls" in coastal high hazard areas, but are permitted for use in conjunction with breakaway walls in other areas.

6.0 EVIDENCE SUBMITTED

- 6.1 Data in accordance with the ICC-ES Acceptance Criteria for Mechanically Operated Flood Vents (AC364), dated August 2015 (editorially revised February 2024).
- 6.2 Test report on air infiltration in accordance with ASTM E283.

7.0 IDENTIFICATION

- 7.1 The ICC-ES mark of conformity, electronic labeling, or the evaluation report number (ICC-ES ESR-2074) along with the name, registered trademark, or registered logo of the report holder must be included in the product label.
- 7.2 The Smart VENT® models and the Flood Vent Sealing Kit described in this report must be identified by a label bearing the manufacturer's name (Smartvent Products, Inc.), the model number, and the evaluation report number (ESR-2074).
- 7.3 The report holder's contact information is the following:

SMART VENT PRODUCTS, INC.
19 MANTUA ROAD
MOUNT ROYAL, NEW JERSEY 08061
(877) 441-8368
www.smartvent.com
info@smartvent.com

TABLE 1—MODEL SIZES

MODEL NAME	MODEL NUMBER	MODEL SIZE (in.)	COVERAGE ¹ (ft ²)
FloodVENT®	1540-520	15 ³ / ₄ " X 7 ³ / ₄ "	200
SmartVENT®	1540-510	15 ³ / ₄ " X 7 ³ / ₄ "	200
FloodVENT® Overhead Door	1540-524	15 ³ / ₄ " X 7 ³ / ₄ "	200
SmartVENT® Overhead Door	1540-514	15 ³ / ₄ " X 7 ³ / ₄ "	200
Wood Wall FloodVENT®	1540-570	14" X 8 ³ / ₄ "	200
Wood Wall FloodVENT® Overhead Door	1540-574	14" X 8 ³ / ₄ "	200
SmartVENT® Stacker	1540-511	16" X 16"	400
FloodVent® Stacker	1540-521	16" X 16"	400

For SI: 1 inch = 25.4 mm; 1 square foot = m²

¹The coverage area in square feet for each model is equivalent to the performance of the same number of square inches of non-engineered openings.

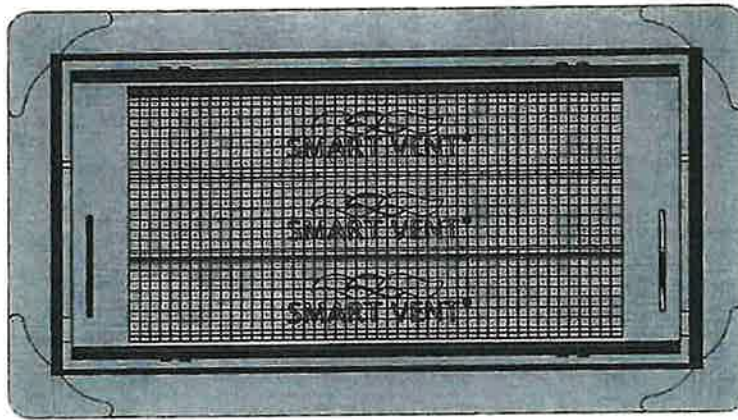


FIGURE 1—SMART VENT: MODEL 1540-510

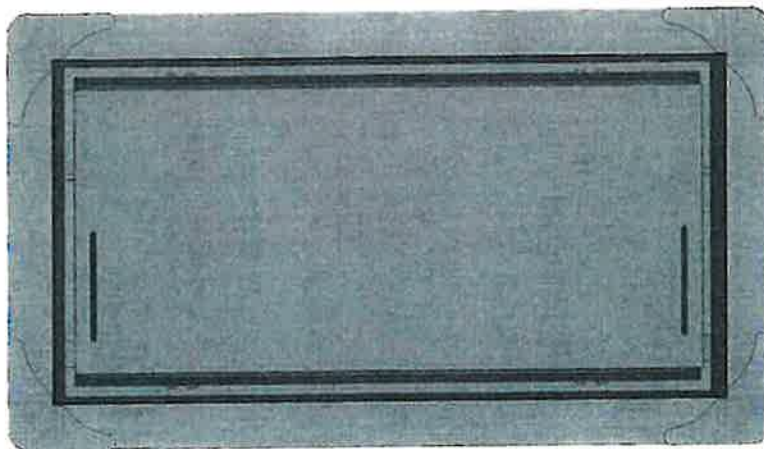


FIGURE 2—SMART VENT MODEL 1540-520

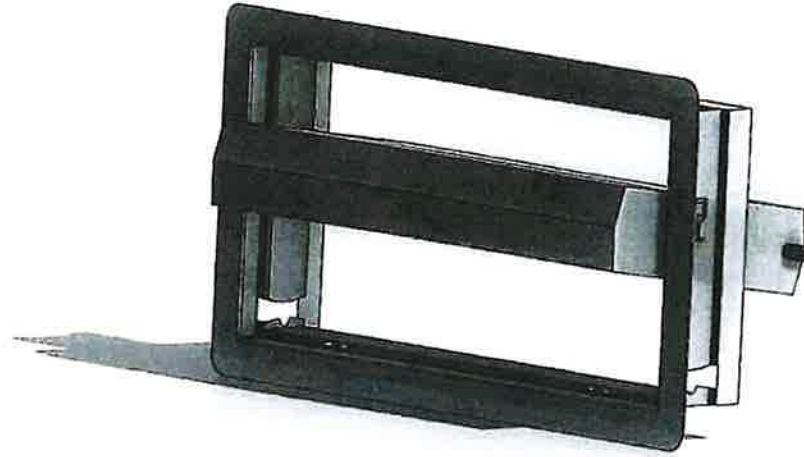


FIGURE 3—SMART VENT: SHOWN WITH FLOOD DOOR PIVOTED OPEN

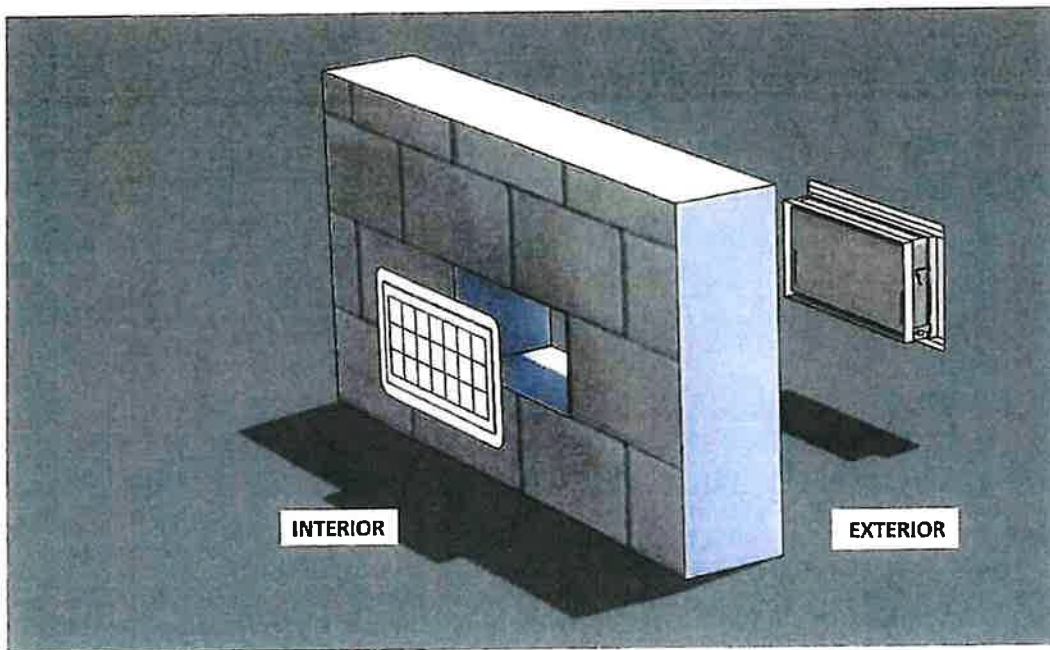


FIGURE 4—FLOOD VENT SEALING KIT



ICC-ES Evaluation Report

ESR-2074 CA Supplement

Reissued February 2025

This report is subject to renewal February 2027.

www.icc-es.org | (800) 423-6587 | (562) 699-0543

A Subsidiary of the International Code Council®

DIVISION: 08 00 00—OPENINGS
Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE

Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with codes noted below.

Applicable code editions:

- 2022 California Building Code (CBC)

For evaluation of applicable chapters adopted by the California Office of Statewide Health Planning and Development (OSHPD) AKA: California Department of Health Care Access and Information (HCAI) and the Division of State Architect (DSA), see Sections 2.1.1 and 2.1.2 below.

- 2022 California Residential Code (CRC)

2.0 CONCLUSIONS

2.1 CBC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with CBC Chapter 12, provided the design and installation are in accordance with the 2021 *International Building Code*® (IBC) provisions noted in the evaluation report and the additional requirements of CBC Chapters 12 and 16, as applicable.

2.1.1 OSHPD:

The applicable OSHPD Sections and Chapters of the CBC are beyond the scope of this supplement.

2.1.2 DSA:

The applicable DSA Sections and Chapters of the CBC are beyond the scope of this supplement.

2.2 CRC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the CRC, provided the design and installation are in accordance with the 2021 *International Residential Code*® (IRC) provisions noted in the evaluation report.

This supplement expires concurrently with the evaluation report, reissued February 2025.

ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.





ICC-ES Evaluation Report

ESR-2074 FL Supplement

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FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE

Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with the codes noted below.

Applicable code editions:

- 2023 Florida Building Code—Building
- 2023 Florida Building Code—Residential

2.0 CONCLUSIONS

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the *Florida Building Code—Building* and the *Florida Building Code—Residential*, provided the design requirements must be determined in accordance with the *Florida Building Code—Building* or the *Florida Building Code—Residential*, as applicable. The installation requirements noted in ICC-ES evaluation report ESR-2074 for 2021 *International Building Code*® meet the requirements of the *Florida Building Code—Building* or the *Florida Building Code—Residential*, as applicable.

Use of the Smart Vent® Automatic Foundation Flood Vents has also been found to be in compliance with the High-Velocity Hurricane Zone provisions of the *Florida Building Code—Building* and the *Florida Building Code—Residential*.

For products falling under Florida Rule 61G20-3, verification that the report holder's quality assurance program is audited by a quality assurance entity approved by the Florida Building Commission for the type of inspections being conducted is the responsibility of an approved validation entity (or the code official when the report holder does not possess an approval by the Commission).

This supplement expires concurrently with the evaluation report, reissued February 2025.

ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.



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Page 7 of 7

APPLICATION NUMBER:**APPLICANT NARRATIVE****ADDRESS: 228 Imperial Lane, Lauderdale by the Sea****REQUEST: Administrative Variance for Generator encroaching 12” into side yard****EXPLANATION: Due to generator size and manufacturer specifications and fire safety code the generator encroaches 12” into the side yard when complying with these specifications.****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: no it does not

- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

Applicant response: no it does not

- 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: no it does not

- 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: manufacturer requirements for spacing for safe operation and servicing in case of emergency and complying with the towns fire safety requirements on spacing next to the home.

APPLICATION NUMBER:

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

Applicant Response: Provides backup power services to residence in case of emergency

- 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: VI and VIII – this is my understanding but not 100% clear as we have a detached item required to meet the legal fire safety requirements and manufacturer requirements

- 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: correct – poses no danger to the public and does not affect any adjacent lands – none of the above

- 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: I believe this would be a yes answer – does not compromise or make the home incompatible or out of character with this adjustment.

APPLICATION NUMBER:

- 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 no adverse impacts at all with this adjustment

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

Applicant response: This administrative adjustment is consistent with the approved generator installation plan and manufacturer specifications and life safety operational requirements.

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		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,		n/a			n/a	n/a	n/a	n/a

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site plan level 1 modification								
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 prohibited uses within a zoning category	166.041(3)(c) 2	n/a	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
Land Development	166.041	n/a	10 days	10 days	X			X (standard)

Code—All other text amendments								
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. 2014-08, § 3, 7-7-2014; Ord. No. 2022-05, § 3, 8-24-2022)

Subdivision D. RS-5 District Regulations

Sec. 30-212. RS-5 district—South residential single-family dwellings.

- (a) *Permitted uses.* No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single-family dwelling.
- (1) Construction on lots of 80 feet or less in width shall be limited to one building to a lot.
 - (2) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.
- (b) *Height.* No building shall be erected or altered exceeding two stories, which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.
- (c) *Residence setbacks.*
- (1) *Front setback.* No residence shall have a front setback of less than 25 feet or more than 35 feet from the front lot line.
 - (2) *Side setback.* Except as provided in subsection (c)(4) below, no residence or any part thereof shall be erected on any lot closer than seven and one-half feet to either side lot line.
 - (3) *Rear setback.* Except as provided in subsection (c)(4) below, no residence or any part thereof shall have a rear setback of less than ten feet for a single story and less than 12 feet for two stories.
 - (4) *Waterfront setback.*
 - a. No residence or any part thereof shall have a rear or side setback, abutting the Intracoastal or an inland waterway, of less than 25 feet from the lot line.
 - b. Any structure legally constructed between September 26, 2007, and October 13, 2015, shall be allowed to continue as a legal nonconformity subject to the nonconforming provisions of this Code.
 - (5) *Roof overhangs.* Front and rear roof overhangs, cornices, or eaves, may project or extend no more than 36 inches into a required setback except side roof overhangs may only extend within five feet from the property line.
 - (6) *Corner lot side setbacks.* Corner lot side setbacks abutting a street shall be 15 feet excepting all that area on the east side of West Tradewinds Avenue between South Tradewinds and North Tradewinds where the west exposure setback shall be 20 feet.
 - (7) *Roof construction.* Gravel roof construction shall be prohibited.
- (d) *Density.* Dwelling units constructed shall not exceed a net density of five dwelling units per acre.
- (e) *Minimum building size.* No building shall be erected on any lot, not a waterfront lot, which does not comprise at least 1,200 ground floor square feet of floor space, exclusive of utility rooms, porches, garages and/or carports; and no building shall be erected on any waterfront lot, the main structure of which does not comprise at least 1,300 ground floor square feet of floor space, exclusive of utility rooms, porches, garages, and/or carports.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 357, § 1, 11-8-94; Ord. No. 2004-05, § 2, 5-11-04; Ord. No. 2005-16, § 2, 1-10-06; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2009-10, § 4, 7-28-09; Ord. No. 2009-19, § 5, 5-26-09; Ord. No. 2009-30, § 4, 12-1-09; Ord. No. 2012-15, § 3, 10-9-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2015-12, § 2, 10-13-2015; Ord. No. 2017-05, § 3, 4-25-2017; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017; Ord. No. 2018-23, § 2, 6-12-2018)

Secs. 30-213—30-220. Reserved.

LAUDERDALE • BY • THE • SEA

Plan Review Hold Sheet



Plan Reviewer: Susan Leven *SML*
Date: February 2, 2024
Plan Type: Revision (Generator)
Property Address: 228 Imperial Lane
Case #: 22-12317



Comments:

EM

1. Please show how the generator as proposed meets the highlighted requirements of Town Code section 30-313 (t)(2):

(2) *Permanent generators.*

a. *Permit required.* The property owner shall obtain a building permit from the Town for the installation of a permanent generator unit. The Town shall review all such permit applications to minimize the visual and acoustical impact on adjacent and neighboring properties.

b. *Permanent generators not exceeding 60 KW output.* One permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions:

1. The generator is set back a minimum of five feet from the side or rear property line.
2. Prior to the final inspection of the permit, the Town shall test the generator under load to ensure it does not exceed 70 decibels as measured 25 feet in any direction from the generator.
3. The generator shall not, at any time or for any purpose, exceed 70 decibels when measured 25 feet in any direction from the generator.
4. The highest point on the generator shall not exceed a maximum of five feet above grade.
5. Screening.
 - (i) The generator shall be completely screened from the public right-of-way and adjacent properties.
 - (ii) Properties with solid opaque landscaping or a solid opaque fence or wall enclosure that acts to completely screen the generator consistent with the requirements of subsection 5.(i) above, will be considered sufficient to meet the screening requirement. Removal of the landscaping, fence or wall will require screening as required in subsection (iii) below.
 - (iii) Properties without solid opaque landscaping or a solid opaque fence or wall enclosure shall screen the generator from the public right-of-way and adjacent properties with landscape material, subject to approval by the Town, that:
 - i. Surrounds the generator on three sides;
 - ii. Is offset no greater than one foot from the permanent generator pad; and
 - iii. Stands a minimum of 18 inches at time of planting, installed with irrigation and shall be maintained at a height of at least four feet or the height of the generator itself, whichever is greater.
6. The permanent generator's exhaust shall be, as much as practically feasible, vented upwards and directed away from neighboring properties.
7. The permanent generator shall be utilized only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing

and necessary maintenance operation and shall not be used to return power back to a power company.

8. The permanent generator may be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes or occur before 8:00 a.m. or after 5:30 p.m. There shall be no testing on legal holidays or Sundays.

9. Generators are not permitted on the roof of a building in single-family and duplex zoning districts. In all other zoning districts, generators may be located on the roof if screened from the right-of-way, set back at least five feet from any roof edge that faces a private property line shared with a detached building and approved as a site plan amendment.

2. Will an underground storage tank be part of the generator installation?

LAUDERDALE • BY • THE • SEA

Plan Review Hold Sheet



Plan Reviewer: Susan Leven *SML*
Date: April 18, 2024
Plan Type: Revision (Generator)
Property Address: 228 Imperial Lane
Case #: 22-12317



Comments:

PLEASE NOTE: These are the same comments that were provided in February. None of these comments have been addressed. If you wish to discuss these comments, you can reach me at susanl@lbts-fl.gov, or 954-640-6221.

1. Please show how the generator as proposed meets the highlighted requirements of Town Code section 30-313 (t)(2):

(2) *Permanent generators.*

a. *Permit required.* The property owner shall obtain a building permit from the Town for the installation of a permanent generator unit. The Town shall review all such permit applications to minimize the visual and acoustical impact on adjacent and neighboring properties.

b. *Permanent generators not exceeding 60 KW output.* One permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions:

1. The generator is set back a minimum of five feet from the side or rear property line.
2. Prior to the final inspection of the permit, the Town shall test the generator under load to ensure it does not exceed 70 decibels as measured 25 feet in any direction from the generator.
3. The generator shall not, at any time or for any purpose, exceed 70 decibels when measured 25 feet in any direction from the generator.
4. The highest point on the generator shall not exceed a maximum of five feet above grade.
5. Screening.
 - (i) The generator shall be completely screened from the public right-of-way and adjacent properties.
 - (ii) Properties with solid opaque landscaping or a solid opaque fence or wall enclosure that acts to completely screen the generator consistent with the requirements of subsection 5.(i) above, will be considered sufficient to meet the screening requirement. Removal of the landscaping, fence or wall will require screening as required in subsection (iii) below.
 - (iii) Properties without solid opaque landscaping or a solid opaque fence or wall enclosure shall screen the generator from the public right-of-way and adjacent properties with landscape material, subject to approval by the Town, that:
 - i. Surrounds the generator on three sides;
 - ii. Is offset no greater than one foot from the permanent generator pad; and

iii. Stands a minimum of 18 inches at time of planting, installed with irrigation and shall be maintained at a height of at least four feet or the height of the generator itself, whichever is greater.

6. The permanent generator's exhaust shall be, as much as practically feasible, vented upwards and directed away from neighboring properties.
7. The permanent generator shall be utilized only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to return power back to a power company.
8. The permanent generator may be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes or occur before 8:00 a.m. or after 5:30 p.m. There shall be no testing on legal holidays or Sundays.
9. Generators are not permitted on the roof of a building in single-family and duplex zoning districts. In all other zoning districts, generators may be located on the roof if screened from the right-of-way, set back at least five feet from any roof edge that faces a private property line shared with a detached building and approved as a site plan amendment.

2. Will an underground storage tank be part of the generator installation?

Approved

EXHIBIT 4

RECEIVED

APR 05 2024

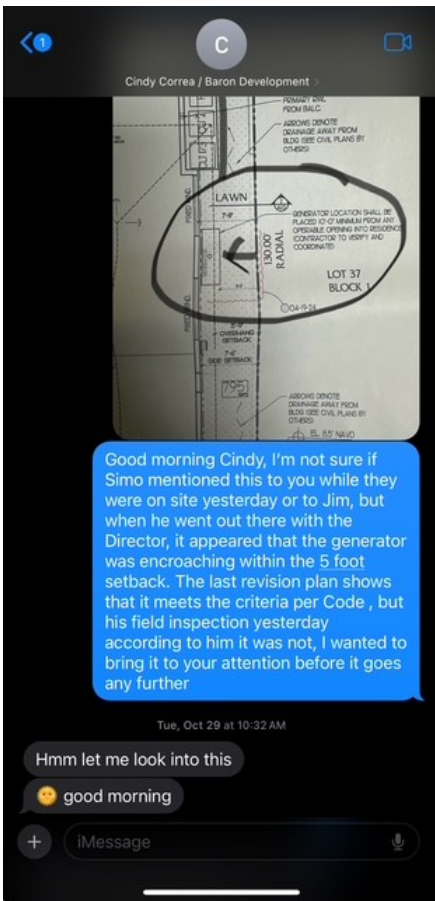
CORRECTION - FILE COPY
BUILDING DEPARTMENT

Generator (2nd Review)

	DATE	APPROVED
PLANNING		
ENGINEERING		
STRUCTURAL	4-11-24	G
ELECTRICAL	4-10-24	ES
MECHANICAL		
PLUMBING	6/25/24	[Signature]
FIRE		
ZONING	6/21/24	(PL)
LOT		
BLOCK		
ADDRESS		
PERMIT No.	22-012317	

SETBACK, HEIGHT, & SCREENING
WILL BE VERIFIED
UPON ZONING
ROUGH INSPECTION

(PL)



PERMIT PROJECT
FILE #: 19-000523

No image found for this file, click here to upload an image.

228 IMPERIAL LANE LAUDERDALE BY THE SEA FL 33308
LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 37 BLK 1



Parcel Alerts:
LBS22-012317 -- RE-INSPECTION FEE STRUCTURAL 6.11.25

Permit Alerts:
LBS22-012317 - RE-INSPECTION FEE 11.26.24
RE-INSPECTION FEE (FAILED, NO ACCESS) 4.22.25
RE-INSPECTION FEE PLUMBING 4/23/25

FINAL SURVEY & ELEV CERTIFICATE		PERMIT #	STATUS				
FINAL SURVEY & ELEV CERTIFICATE		LBS22-012317	RESUBMITTAL REQUIRED				
ACTIVITY TYPE	DEPARTMENT	ASSIGNED TO	STATUS	DUE	COMPLETED		
Structure Review	Lauderdale-By-The-Sea	Town of LBTS 1	Approved	05/15/2025	05/13/2025		
Zoning Review	Lauderdale-By-The-Sea	Town of LBTS 1	Resubmittal Required	05/15/2025	05/12/2025		
Engineering Review	Lauderdale-By-The-Sea	Town of LBTS 1	Approved	05/15/2025	05/08/2025		

LAUDERDALE•BY•THE•SEA

Plan Reviewer: David Lee
Date: June 17, 2025
Administrative Adjustment Summary Report
Property Address: 228 Imperial Lane
Bldg. Permit number: LBS22-012317
#2025-L2-AA-03



Property Address: 228 Imperial Lane, Lauderdale-By-The-Sea Fl, 33308

Subject: Permanent Generator Location – Administrative Adjustment Application #2025-L2-AA-03

Overview

The administrative adjustment application pertains to the non-compliant location of a permanent standby generator installed along the west property boundary at 228 Imperial Lane. The generator's location was reviewed for compliance with building code safety standards, functional maintenance accessibility, and impact on adjacent properties.

Key Dates & Events

- Initial Plan Review Date: 2/2/2024 (denied for setback compliance)
- 2nd Review Date: 4/18/2024 (denied for setback compliance)
- 3rd Review Date: 6/21/2024 (approved w/notes – setback, height and screening will be verified upon zoning inspection)
 - Generator slab was installed by contractor; placed near the west property line, triggering compliance concerns in October 2024.
 - Town staff noted generator slab's proximity to the adjacent western property line at the October 2024 inspection for another non-compliant matter (A/C location); advised that documentation be submitted for formal review due to its deviation from the required side setback distance of 5 feet per code.
- October 28, 2024 – First Notification to Barron Development
 - Subsequently after the initial site visit, multiple notifications were sent, and several conversations took place with Barron Development regarding generator's non-conforming placement in the required setback area.
 - Staff requested submission of a revised site plan showing relocation. The Town did not receive until the final survey was submitted on

LAUDERDALE • BY • THE • SEA



4501 N. Ocean Boulevard
Lauderdale-By-The-Sea
Florida 33308
Tel: 954 640-4200



CERTIFICATE OF TEMPORARY OCCUPANCY

This Certificate has been issued in accordance with the 2020 7th Edition of the Florida Building Code with Broward County Amendments section 106.1.

Permit No: LBS22-012317

Property Owner: PHILLIPS, ROSA & PHILLIPS, SCOTT

Contractor: BARRON DEVELOPMENT CORPORATION

Building Address: 228 IMPERIAL Lane

Legal Description: LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 37 BLK 1

Square Footage: 9397 sqf

Total Under Air: 6070 sqf

Folio: 4943 18 04 0390

Type of Construction: V

Group: R

Scope of Work: SFR NEW CONSTRUCTION

Describe all outstanding conditions: Generator location needs to be resolved with Zoning

Expected date of completion: **This TCO is valid till: 07/28/2025**

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

FBC 2020 489.103

DISCLOSURE STATEMENT

I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

Building Official: _____

Building Official: Simo Mansor

Date: May 28, 2025



228 IMPERIAL LANE / TCO CONDITIONS

From David Lee <davidl@lauderdalebythesea-fl.gov>
Date Wed 5/28/2025 11:51 AM
To David Lee <davidl@lauderdalebythesea-fl.gov>

Zoning Notice / Condition – Generator location

The current placement of the generator does not conform with the applicable LBTS zoning requirements outlined in the Code section 30-313 (T). In order for the generator to remain in its existing location, an Administrative Adjustment application and requirements must be submitted and approved by the Town. This process requires review by the LBTS P&Z Board and Town Commission approval.

Approval of this Certificate of Temporary Occupancy does not imply or constitute zoning approval for the generator’s location. It is the responsibility of the property owner to initiate and complete the administrative adjustment process. An official Certificate of Occupancy will not be issued until the Administrative Adjustment has been approved. The Building Official will determine if additional time may be granted for the TCO based on the when the Administrative Adjustment process may be completed.

David Lee

Asst Director of Development Services-Building, Planning, Zoning



LAUDERDALE BY THE SEA

Town Hall: (954) 640-4200
Office: (954) 640-4213
Cell: (954) 395-4603
davidl@lbts-fl.gov
4501 N. Ocean Drive, Lauderdale-By-The-Sea, FL 33308
www.lbts-fl.gov • www.discoverlbts.com



Please Note: Florida has a very broad public records law. Written communications to the Town, including emails, are Public Record available to the public upon request. Your email communication is therefore subject to public disclosure

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 Planning and Zoning Board.

- (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; Ord. No. 2020-08, § 4, 10-13-2020)



Agenda Item No: 5.b.

Planning and Zoning Board Agenda Item Report

Meeting Date: July 10, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: **Application Number:** 2024-CU-01-Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 3 "Conditional Use Procedures And Requirements" of the Town Code of Ordinances ("Town Code"), the Applicant has requested Conditional Use Approval (2023-CU-01) to construct a residential duplex within the RM-25 zoning district at the property located at 4628 Bougainvilla Drive.

Explanation:

The purpose of this memorandum is to provide Staff's findings and recommendations regarding the Conditional Use application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea, Florida (the "Town") for a proposed duplex dwelling to be located at 4628 Bougainvilla Drive (the "Property") (**Diagram 1**).



Diagram 1

The Applicant, Saad Remodeling and Custom Home Builders, Inc, has paid the appropriate fee and submitted the required documents. Notice has been provided 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 Conditional Use application has been advertised, pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code") (**Exhibit 2**). To date, no one has contacted the Town with respect to the proposed project.

Background and Request

The applicant is requesting conditional use approval to replace an existing one-story single-family residence on a 0.125-acre site (comprised of one and one-half lots) fronting Bougainville Drive, south of Pine Avenue, with a two-story duplex. The site is designated Medium-High Density Residential on the Future Land Use Map and is zoned RM-25, where the construction of duplexes requires a conditional use approval. The permitted uses south of Pine Avenue in this zoning district are "apartment house and hotel." Single-family and duplex uses are deemed conditional uses hence the reason for the application submittal to the Town. While duplex projects are exempt from site plan review, conditional use approvals must still consider architectural and site-related criteria. The proposal represents a net increase of only one residential unit; therefore, no traffic impact study or service vehicle data was required per the Development Services Director's waiver authority. To address a minor side yard setback deficiency affecting less than half of the proposed structure, the applicant has submitted a separate Administrative Adjustment Level 2 application.

Documents

Staff has reviewed the documents submitted pursuant to the requirements of the Town Code. This review is based on the following plat, surveys and plans:

1. Survey, prepared by All County Surveyors, dated March 31, 2025.
2. Front and rear elevations, prepared by Fabregat Design Studio, dated February 24, 2025
3. Side elevations, prepared by Fabregat Design Studio, dated February 24, 2025
4. Site Plan, prepared by Fabregat Design Studio, dated February 24, 2025
5. First, and Second Floor Plans, prepared by Fabregat Design Studio, dated February 24, 2025

Town Code Provision

Section 30-126, "Conditional uses review" of the Town Code (**Exhibit 3**) provides the process by which conditional uses may be granted. Conditional use applications require review by the Town Staff, Planning and Zoning Board and final review and consideration by the Town Commission.

Architectural Review

Pursuant to Section 30-51(c) of the Town Code (**Exhibit 4**), all development within the RM-25 zoning district is subject to architectural standards and review in accordance with the Town's Architectural Design Standards (ADS). This includes new construction, reconstruction, alterations, and additions. As the subject property is located within the RM-25 zoning district and involves the construction of a duplex, it is required to comply with the applicable architectural review criteria. Additionally, if the proposed duplex involves rebuilding or restoring a unit attached to an existing duplex, Section 30-137(d) requires consistency in form and style with the remaining unit to ensure architectural cohesion. Although the current proposal involves new construction rather than partial restoration, it is still subject to full architectural review under the Town's ADS. The Town Architect has reviewed the proposed duplex design and determined that it represents a compatible architectural style consistent with the Town's character. As such, the project has received architectural approval (**Exhibit 5**).

Public Participation

A public participation meeting, pursuant to section 30-114, "Public participation required" of the Town Code (**Exhibit 6**), took place on June 19, 2025. A summary of the meeting was submitted to the Town and is attached as **Exhibit 7**.

Review

The plans have been reviewed by the Development Services Director, the Town's Architect, the Town Engineer and the Town's Planning Consultant, Linda Strutt. Comments are discussed below.

Conditional Use Requirements (30-126)

Pursuant to Town Code Section 30-126(d), "Specific criteria for approving a conditional use," the Applicant must demonstrate the following:

(1) **Land use compatibility.** The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following

characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

- i. Permitted uses, structures and activities allowed within the land use category;
- ii. Building location, dimensions, height, and floor area ratio;
- iii. Location and extent of parking, access drives and service areas;
- iv. Traffic generation, hours of operation, noise levels and outdoor lighting;
- v. Alteration of light and air;
- vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;
- vii. The architectural and site design are compatible with the character of the surrounding area; and
- viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

(2) Sufficient site size, site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

(3) Compliance with the Comprehensive Plan and Code of Ordinances. The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

(4) Proper use of mitigative techniques. The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

The Applicant has presented the following response regarding the criteria for the Conditional Use:

1. i. The proposed building is surrounded by multifamily apartment buildings containing from six to twelve units on each sides of the property. The current zoning designation allows to build up to eight units but the proposed conditional use will provide only two spacious units minimizing the impact to the nearby uses.
- ii. The proposed building scale, height and dimensions blends well with the surroundings. The south adjacent property is a three story multifamily building that occupies approximately eighty percent of the lot area with no landscape around its perimeter. The proposed conditional use provide two stories with the maximum allowed height of twenty feet and ten feet setbacks on each sides creating the opportunity for a new landscape on each sides. Proposed height, dimensions and F.A.R are in compliance with its zoning requirements.
- iii. This proposed conditional use does not provide any access drive and service area. Each unit has a covered garage plus twenty feet wide of driveway at the front setback. In contrast with the nearby buildings, where eighty percent of their front width is covered by asphalt parking, the combined total impervious driveway parking at the front setback is forty feet providing in this case thirty five feet for new landscape-green areas on its front yard.
- iv. This proposed duplex parking is compatible with the neighboring properties by providing less parking spaces and less impact in traffic and noise levels than the adjacent properties. The building will have the same use and hour of operations and enhanced exterior lighting from wall sconces and downlights.
- v. The proposed building design does not represent an alteration of the current air and light quality to the nearby structures. The total height, its facade articulation and the ten feet side setbacks will allow good light penetration and air to flow to the neighboring properties.
- vi. The proposed building is in compliance with the required front, sides and rear setbacks. The resulting open spaces will be covered by green area and tropical landscape specially the sides where they will act as a natural green buffer with its palms and continuous hedges along the property lines.
- vii. The proposed building design not only is compatible with the aesthetic character of the area, it will also improve the current aesthetic of the block and the general pedestrian experience by recreating a tropical landscape along its front property line.
- viii. The current traffic signal located on the right of way area will not be affected by the new construction and it will not add any new signage affecting the current vehicular traffic.

Staff Finding: This criterion has been met. The permitted uses within the RM-25 zoning district south of Pine Avenue are apartment houses and hotel. The proposed two-story duplex is compatible with the existing and permitted uses in the immediate vicinity and is actually more consistent than the existing one-story single-family residence it is replacing.

2. The regular shape and generous size of the site provide an adequate condition to properly insert the proposed building scale, density and dimensions. As a result, generous open green spaces will be provided along the property

lines for tropical landscape acting as a green buffer and improving the experience to the nearby building as well as the pedestrian flow along its frontage. In addition to this, the units front door entrance is recessed by more than fifty feet from the front sidewalk minimizing potential impact to the pedestrian experience of the area.

Staff Finding: This criterion has been met.

3. The proposed building design complies with the current comprehensive and code ordinances. The project complies with the onsite parking regulations, residential character and style, open space for green - landscape areas, scale, overall height and setbacks not impacting in a negative way directly or indirectly with the life and natural flow of the neighborhood as well as general health, safety and welfare.

Staff Finding: This criterion has been met.

4. The proposed building design complies with the current comprehensive and code ordinances. The project complies with the onsite parking regulations, residential character and style, open space for green - landscape areas, scale, overall height and setbacks not impacting in a negative way directly or indirectly with the life and natural flow of the neighborhood as well as general health, safety and welfare.

Staff Finding: This criterion has been met.

Summary Findings and Recommendations

The proposed plans submitted by the Applicant are consistent with the Land Development Code and Town Staff believe that the Applicant has addressed the criteria for granting of the Conditional Use. Town Staff recommends that the Board vote to recommend the Town Commission's approval of the Conditional Use request, subject to compliance with the following conditions:

1. Provide current S&S survey by a registered surveyor with elevations in NAVD.2.
2. Updated survey to reflect current FEMA flood elevation contours (2024).
3. Finished floor required to be at FEMA Base Flood Elevation +1.4' (NAVD).
4. All elevations on plan to be provided in NAVD.
5. Provide drainage plan & calculations showing how stormwater is being maintained on-site & meeting County criteria.
6. Provide slab elevation for all mechanical equipment (AC's, generators, etc.) showing FEMA Base Flood Elevation +1.4' (NAVD) requirements are being met.
7. If the garage is below the FEMA +1.4' elevation, provide necessary flood vents.
8. Adequate storm water facilities shall be provided to meet regulatory requirements. No off-site drainage will be allowed.
9. Artificial Turf shall be labeled on plans as applicable or provide note that no artificial turf is proposed. Artificial Turf shall be counted as impervious area in the drainage calculations.
10. Provide Town Standard Detail for swales in the driveway and grass within town right-of-way with the permit package. Show location/depth of proposed swale on plans.
11. Label water meter / water service on plans as existing or coordinate with the City of Pompano Beach / Fort Lauderdale for new service as applicable.
12. Label sewer lateral on plans as existing or coordinate with the City of Pompano / Fort Lauderdale for new service as applicable.
13. Landscape plan must be provided which conforms with the Town's landscape regulations. Any removal of trees requires approved permits from Broward County and the Town of Lauderdale-By-The-Sea. Landscape plan may be amended to take into consideration plant availability and final site conditions, subject to approval by the Development Services Director or designee, provided that in no instance will the landscape plan be allowed to fall below the minimum standards, criteria and requirements established within the Town Code.
14. Pursuant to Town Code section 20-92, existing service lines serving the development shall, at the time of development or reconstruction, be converted to underground facilities at the developer's and/or owner's cost.
15. The Applicant shall secure a building permit for the project and begin construction within twelve (12) months of the effective date of the development order approval.
16. The construction shall be in accordance with the submitted plans for the hearing incorporated into this document as Exhibit 1, except as modifications may be required by the approved Site Plan and any changes required as part of the building permit and/or architectural review process.
17. The approved plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
18. All applicable state and federal permits shall be obtained before commencement of construction.

19. Prior to issuance of a building permit, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes, or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.

Summary Findings

Staff has reviewed the application and concludes the application as conditioned herein meets the Town Code requirements.

Recommendation: Staff recommends the Planning and Zoning Board review the application and make a recommendation of approval or denial to the Town Commission.

Exhibits:

1. Exhibit 1- Application and Plans
2. Exhibit 2 - Sec. 30-139. - Notice of Public Hearings
3. Exhibit 3 - Sec. 30-126. - Conditional uses review
4. Exhibit 4 - Sec. 30-51. - Architectural review standards
5. Exhibit 5-2025-AR-03-1 Architectural Approval
6. Exhibit 6 - Sec. 30-114. - Public participation required
7. Exhibit 7- Bougainvilla Drive Duplex _ Citizen Participation Meeting Summary Report

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: 2024-CU-03

BTR #: _____

Date Application Submitted: 8/24/24 AND REVISED 3/25/25

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:

- | | |
|---|---|
| <input type="checkbox"/> Appeal of Administrative Decision | <input type="checkbox"/> Historic Designation |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Certificate of Appropriateness |
| <input type="checkbox"/> Site Plan Level 1 Modification | <input type="checkbox"/> Zoning Relief |
| <input type="checkbox"/> Site Plan Level 2 Modification | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Conditional Use _____ | <input type="checkbox"/> Right-of-Way Vacation |
| <input type="checkbox"/> Conditional Use Modification _____ | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Administrative Adjustment _____ | <input type="checkbox"/> Payment in Lieu of Parking |
| <input type="checkbox"/> Variance _____ | <input type="checkbox"/> Parking Reduction _____ |
| <input type="checkbox"/> Plat _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Architectural Review _____ | |

Project Name: NEW DUPLEX

Folio Numbers: 494318012620

Street Address: 4628 BOUGAINVILLE DRIVE. LAUDERDALE BY THE SEA. FL. 33308

Legal Description: LOT 8 AND NORTH 1/2" OF LOT 7 IN BLOCK 25, OF LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Name of Property Owner: Leopoldo Espinosa Property Owner's Phone #: _____

Address of Property Owner: 1635 NW 51st Pl. Lauderdale 33309.

Property Owner's Email Address: leopoldo@feaviacion.com.ar.

Name of Applicant: Saad remodeling Custom Homes Applicant's Phone #: (305) 915-5554

Applicant's Address: 18191 NW 68 Ave Ste # 104 Miami Lakes FL 33015

Applicant Email Address: saadremodeling@gmail.com

Name of Agent (e.g. Contractor Representing the Project): Saad Remodeling Custom Homes.

Agent's Email Address: saadremodeling@gmail.com Agent's Phone #: (305) 829-3031
 Agent's Address: 18191 NW 68 Ave Hialeah FL 33015
 Land Use Plan Designation: Queeling RM-25 Zoning District: RM-25
 Existing Use of the Subject Property: Single family Residence
 Proposed Use of the Subject Property: DUPlex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

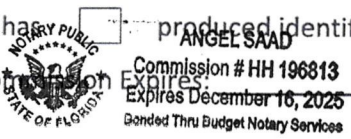
(SAAD) Remodeling (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.
 Print Name of Property Owner: Leopoldo Espirasa Date: 3/31/2025
 Signature of Property Owner: [Signature]

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Leopoldo Espirasa Date: 3/31/2025
 Signature of Property Owner: [Signature]
 State of Florida: Fla
 County: Fort Lauderdale Broward
 SWORN AND SUBSCRIBED before me by means of physical presence or online notarization, this day 31 of March, 2025

The person signing is personally known to me or has produced identification
 Print Notary Name: ANGEL SAAD My Commission Expires: December 16, 2025
 Notary Signature: [Signature]
 Commission # HH 196813
 Bonded Thru Budget Notary Services



Applicant

Print Name of Property Owner: Leopoldo Espirasa Date: 3/31/2025
 Signature of Property Owner: [Signature]
 State of Florida: Florida
 County: Fort Lauderdale Broward



5/28/2020
 Universal Application

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization, this day

March of 31st, 2025

The person signing is personally known to me or has



ANGEL SAAD
Commission # HH 196813
Expires December 16, 2025
Bonded Thru Budget Notary Services

Print Notary Name: Joseph de Espinosa My Commission Expires: _____

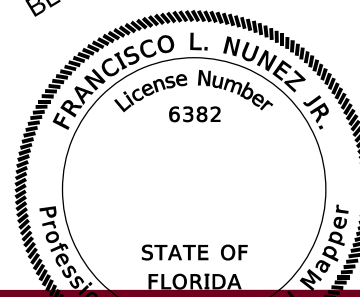
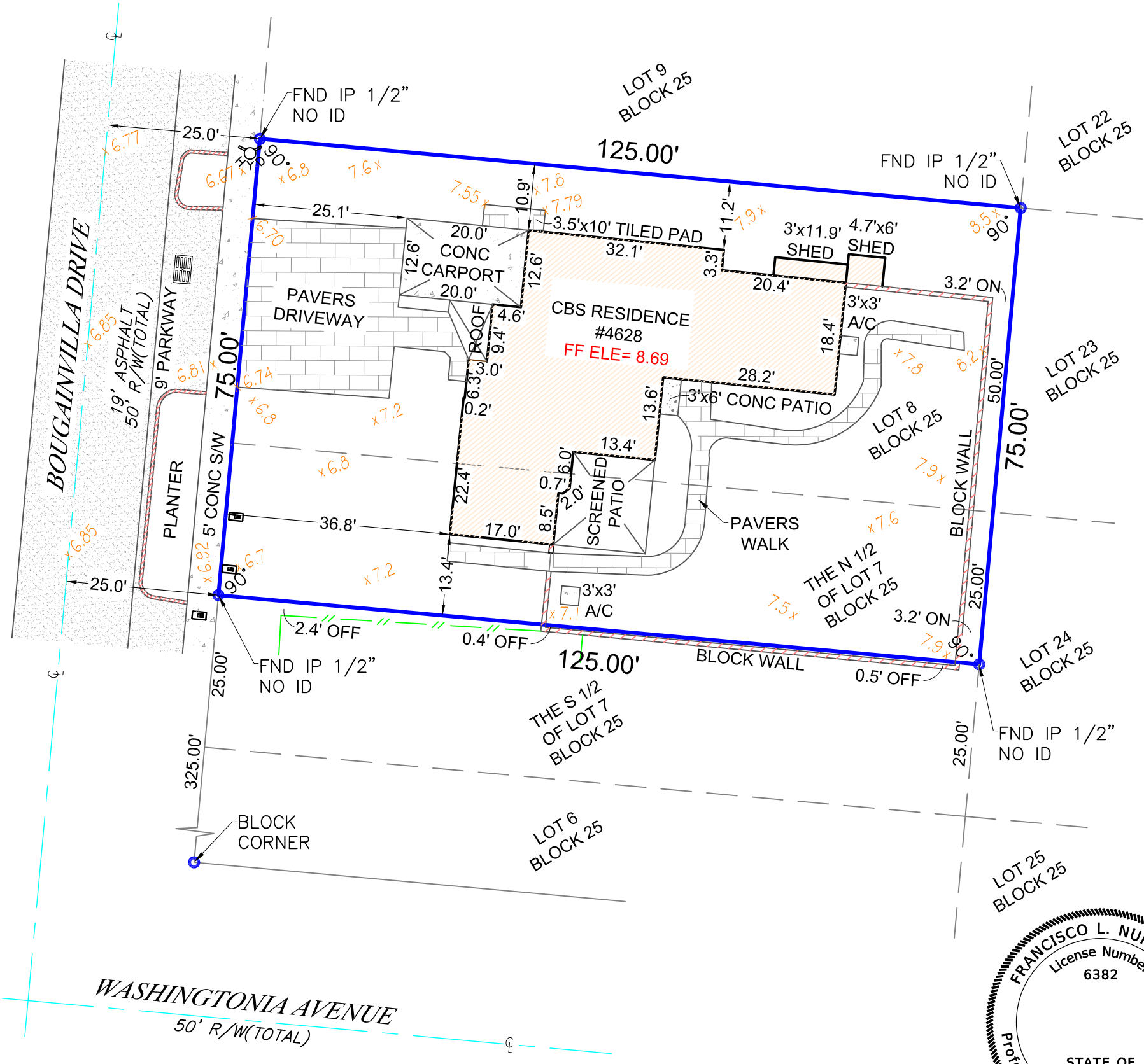
Notary Signature: Angel Saad ANGEL SAAD



GENERAL LEGEND:

- A/C = AIR CONDITIONER
- AF = ALUMINUM FENCE
- BCR = BROWARD COUNTY RECORDS
- BM = BENCHMARK
- CB = CATCH BASIN
- CBS = CONCRETE BLOCK STRUCTURE
- CBW = CINDERBLOCK WALL
- CHATT = CHATTAHOOCHEE
- CL = CENTERLINE
- CLF = CHAIN LINK FENCE
- CME = CANAL MAINTENANCE EASEMENT
- CO = CLEAN OUT
- CONC = CONCRETE
- D = DELTA (CENTRAL ANGLE)
- DE = DRAINAGE EASEMENT
- E = EAST
- EB = ELECTRIC BOX
- ELE = ELEVATION
- X 0.00' = ELEVATION
- EOP = EDGE OF PAVEMENT
- EW = EDGE OF WATER
- FDH = FOUND DRILLHOLE
- FF = FINISHED FLOOR
- FH = FIRE HYDRANT
- FN = FOUND NAIL
- FND = FOUND
- FPL = FLORIDA POWER AND LIGHT
- IF = IRON FENCE
- IP = IRON PIPE
- IR = IRON ROD
- INV = INVERT
- L = ARC LENGTH
- LP = LIGHT POLE
- LME = LAKE MAINTENANCE EASEMENT
- N = NORTH
- N/A = NO BASE FLOOD (FOR FLOOD ZONE X)
- N&D = NAIL & DISC
- NO ID = NO IDENTIFICATION
- MF = METAL FENCE
- MH = MAN HOLE
- OH = OVERHEAD CABLES
- OR = OFFICIAL RECORD BOOK
- O/S = OFFSET
- PB = PLAT BOOK
- PBCR = PALM BEACH COUNTY RECORDS
- PC = POINT OF CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- PG = PAGE
- PL = PLANTER
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- P&M = PLAT AND MEASURED
- PP = POOL PUMP
- PRC = POINT OF REVERSE CURVATURE
- PVCF = POLYVINYL CHLORIDE FENCE
- R = RADIUS
- R/W = RIGHT OF WAY
- S = SOUTH
- S/W = SIDEWALK
- SIR = SET 3/4" IRON ROD #6677
- SND = SET NAIL & DISC
- TYP = TYPICAL
- UE = UTILITY EASEMENT
- W = WEST
- WF = WOOD FENCE
- WM = WATER METER
- WV = WATER VALVE

- OVERHEAD CABLES (OH)
- POLYVINYL CHLORIDE FENCE (PVCF)
- CHAIN LINK FENCE (CLF)
- WOOD FENCE (WF)
- METAL FENCE (MF)
- DEGREE SYMBOL
- AT&T BOX
- CATCH BASIN
- CENTERLINE
- LIGHT POLE
- CABLE TV RISER (CA/TV)
- UTILITY
- BOX
- FIRE HYDRANT
- ELECTRIC BOX
- VALVE
- WATER METER
- UTILITY POLE



LEGAL DESCRIPTION:

LOT 8 AND THE NORTH 1/2 OF LOT 7 IN BLOCK 25, OF LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFICATIONS:

GOOD TIMES 1 INC

SURVEYORS NOTES:

- (1.) ANGLES AS SHOWN ARE REFERENCED TO THE RECORD PLAT AND ARE AS MEASURED.
- (2.) LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
- (3.) NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
- (4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.
- (5.) THERE MAY BE EXISTING RECORDED EASEMENTS CONTAINED IN THE PUBLIC RECORDS NOT DEPICTED HEREON THAT ONLY A THOROUGH TITLE SEARCH WOULD UNCOVER.
- (6.) THE SURVEY PURPOSE IS FOR PERMITTING.
- (7.) ALL FENCE LOCATION SHOWN IS THE CENTER OF THE EXISTING FENCE.
- (8.) ELEVATIONS (IF SHOWN) ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UNLESS OTHERWISE NOTED. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK BM#:3882, ELEVATION = 9.17' (NAVD 1988)

BOUNDARY SURVEY

PROPERTY ADDRESS:
 4628 BOUGAINVILLE DRIVE
 LAUDERDALE BY THE SEA, FL 33308

FLOOD ZONE: X	DATE OF SURVEY:
BASE FLOOD: N/A (N/A)	FIELD LOCATION OF IMPROVEMENTS 04/01/2020
COMMUNITY #: 125123	UPDATE SURVEY ADD ELEVATIONS 03/26/2025
MAP/PANEL #: 12011C0378J	
DATE OF FIRM: 07/31/2024	

SCALE: 1" = 20'
CADD: LJ/DJC
CHECKED BY: FLN
INVOICE #: 25-62747
SHEET # 1 OF 1

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 461, FLORIDA ADMINISTRATIVE CODE.

FRANCISCO L. NUNEZ, PSM., STATE OF FLORIDA
 PROFESSIONAL SURVEYOR AND MAPPER 6382
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ALL COUNTY SURVEYORS

PROFESSIONAL SURVEYORS AND MAPPERS
 LICENSE NO. 6677
 OFFICE: (954) 777-4747
 FAX: (954) 777-2707
 5400 SOUTH UNIVERSITY DRIVE
 DAVIE, FLORIDA 33328 SUITE 216

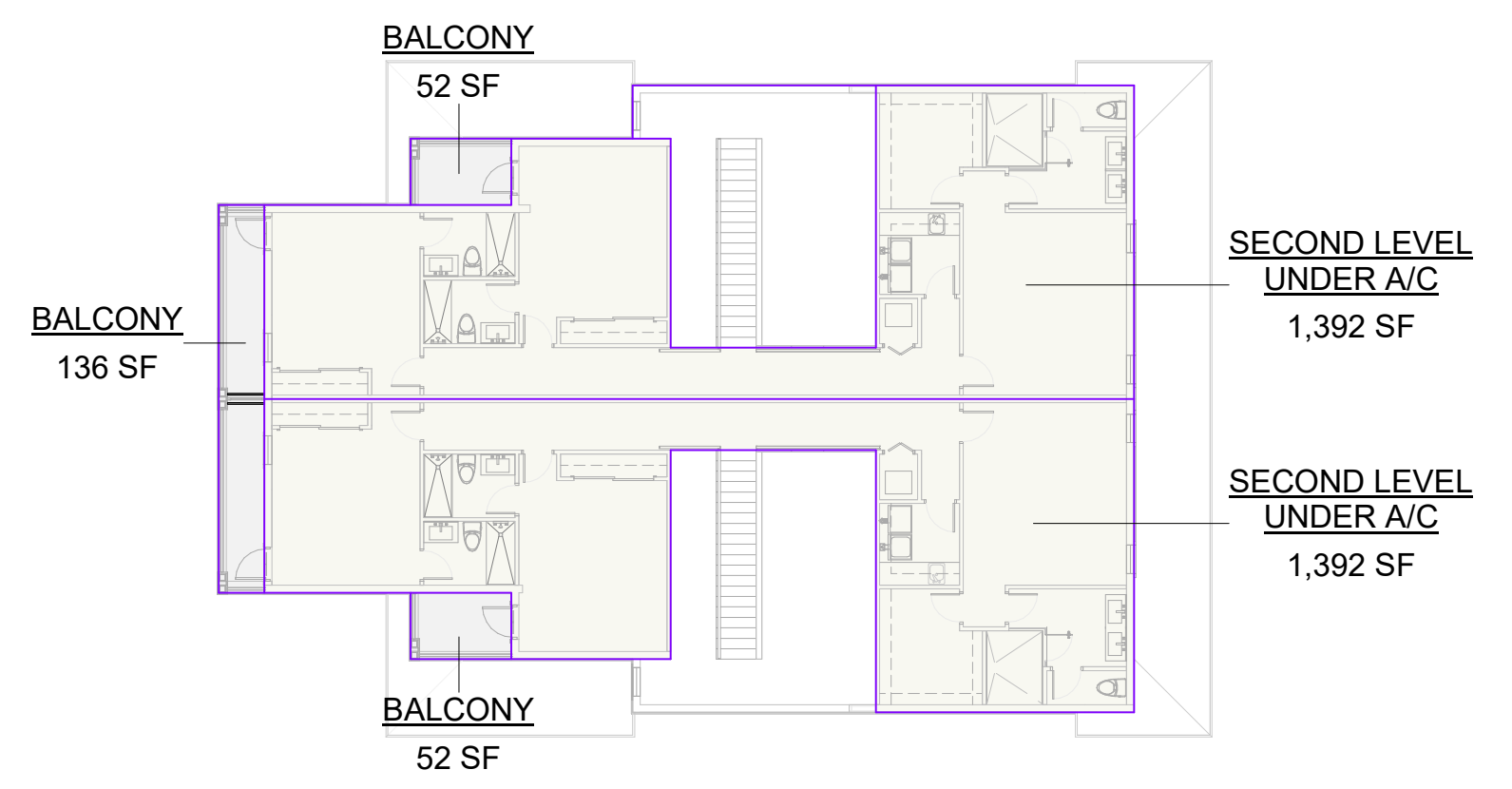
LEGAL DESCRIPTION	
LOT 8 AND NORTH 12" OF LOT 7 IN BLOCK 25, OF LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.	

AREA CALCULATIONS	
LOT AREA: 9,375 Sq.Ft. (0.215 Acre)	
GROUND LEVEL UNDER A/C	2,872 Sq. Ft.
SECOND LEVEL UNDER A/C	2,784 Sq. Ft.
TOTAL UNDER A/C	5,656 Sq.Ft.
TERRACE	338 Sq. Ft.
BALCONIES	240 Sq. Ft.
GARAGE	794 Sq. Ft.
RESIDENCE AREA	7,028 Sq.Ft.

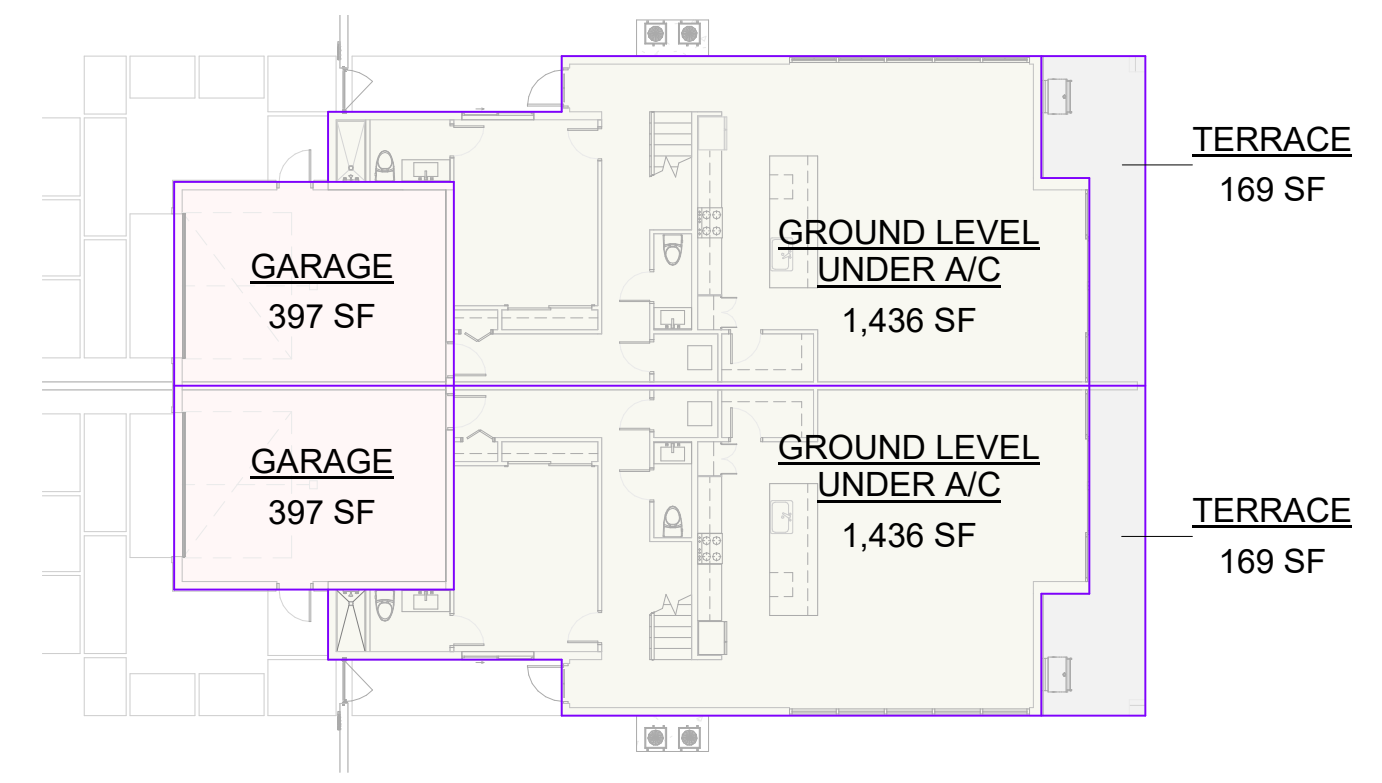
ZONING		
GROUP RM-25		
TYPE OF CONSTRUCTION: VB		
NEW CONSTRUCTION		
FLOOD ZONE "X", PANEL & SUFFIX: 0378H		
SETBACKS (South of Pine Avenue)	REQ.	PROV.
FRONT "W"	25'	25'-2"
REAR "E"	10'	18'-0"
SIDE "N"	10'	10'-0"
SIDE "S"	10'	10'-0"

ZONING CALCULATION		
ZONING CLASSIFICATION : RM-25		
FUTURE LAND USE CATEGORY	Multi-Family Residence Medium-High Density	
LOT AREA	9,375 Sq.Ft. (0.215 acres)	
DENSITY	9.3 du/acre	
(USE) DUPLEX BUILDING	(2) DWELLING UNITS	
MAX. BUILDING HEIGHT (33')	PROPOSED MAX. BLDG HT. = 25'-10 3/4"	
MAX. BUILDING LENGTH (200')	PROPOSED BUILDING LENGTH = 85'-0"	
PERVIOUS LANDSCAPE AREA	3,504 SQ.Ft. (37.37%)	
	REQUIRED	PROVIDED
PARKING	4	4*

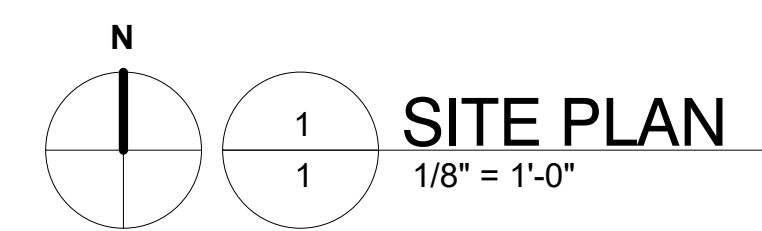
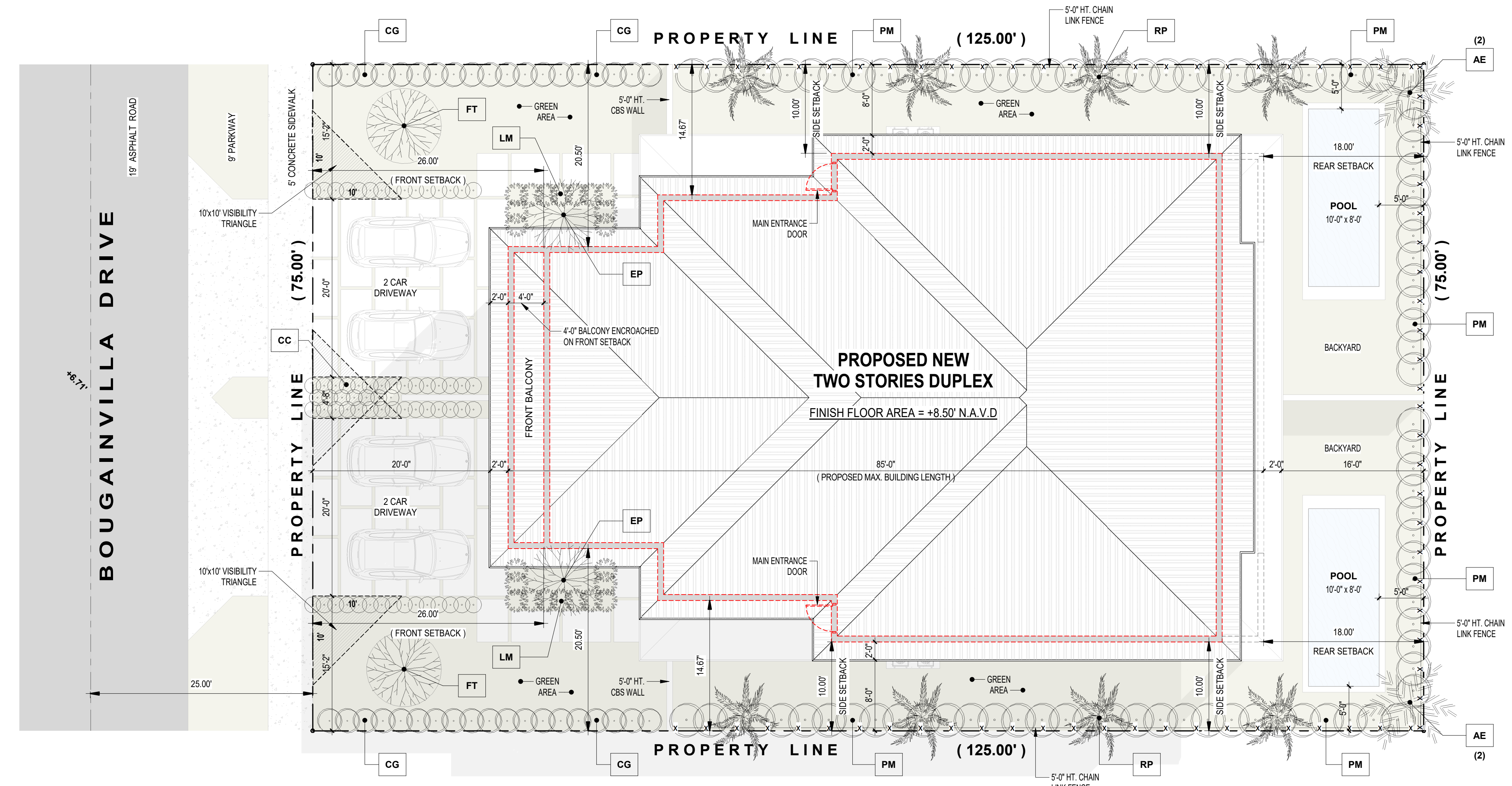
*2 per unit



SECOND LEVEL AREA CALCULATION
1/16" = 1'-0"

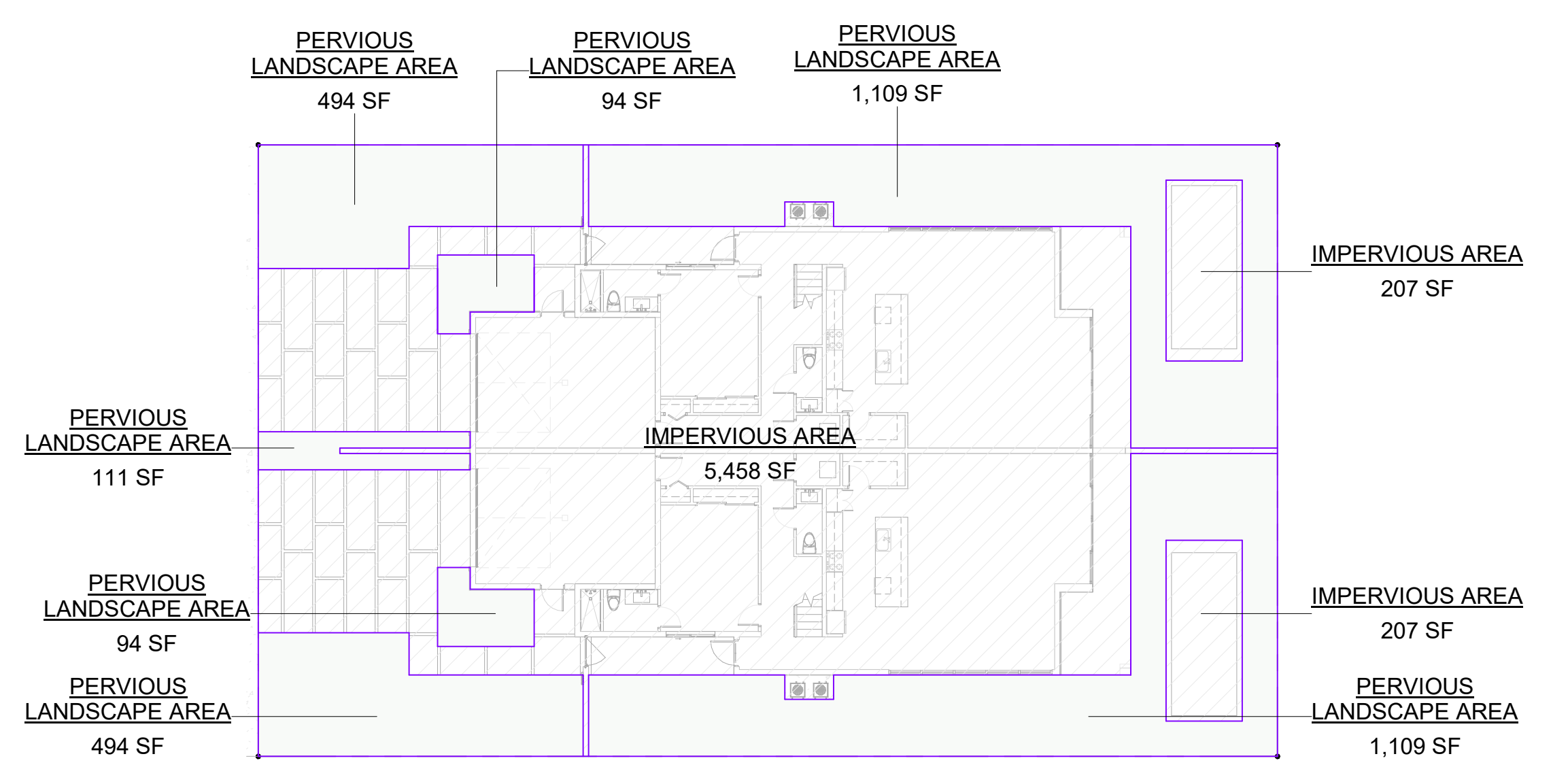


GROUND LEVEL AREA CALCULATION
1/16" = 1'-0"



IMPERVIOUS - GREEN AREA	
NAME	AREA
IMPERVIOUS AREA	5,871 SF
PERVIOUS LANDSCAPE AREA	3,504 SF

NOTE: ALL ELEVATIONS SHOWN ON DRAWING ARE N.A.V.D. OF 1988



IMPERVIOUS / GREEN AREA CALCULATION
1/16" = 1'-0"

LANDSCAPE LEGEND						
SYMBOL	QUANTITY		PLANT NAME	NATIVE		SIZE SPECS
	Exist	New		Yes	No	
RP	0	8	Roystonea regia Florida Royal Palm	X		
EP	0	2	Chamerops humilis European Fan Palm		X	
AE	0	4	Archontophoenix alexandrae Alexander Palm		X	
FT	0	2	Filicium decipiens Fern Tree	X		
CG	0	38	Clusia guttata Small Leaf Clusia	X		
CC	0	67	Chrysobalanus icaco Coccolum	X		
PM	0	90	Podocarpus macrophyllus Yew	X		
LM	0	24	Liriope muscari Liriope		X	
SOD			St. Augustine	X		

SEAL:

Juan B. Ordonez, P.E.
STRUCTURAL ENGINEER
FL Lic. # 43380

DATE:

NEW DUPLEX PROJECT

owner
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL 33308

REVISIONS

No.	Description	Date

DESIGNED BY: J.F.

DRAWN BY: J.F.

CHECKED BY: J.B.O.

SCALE: AS SHOWN

DATE: 02.24.25

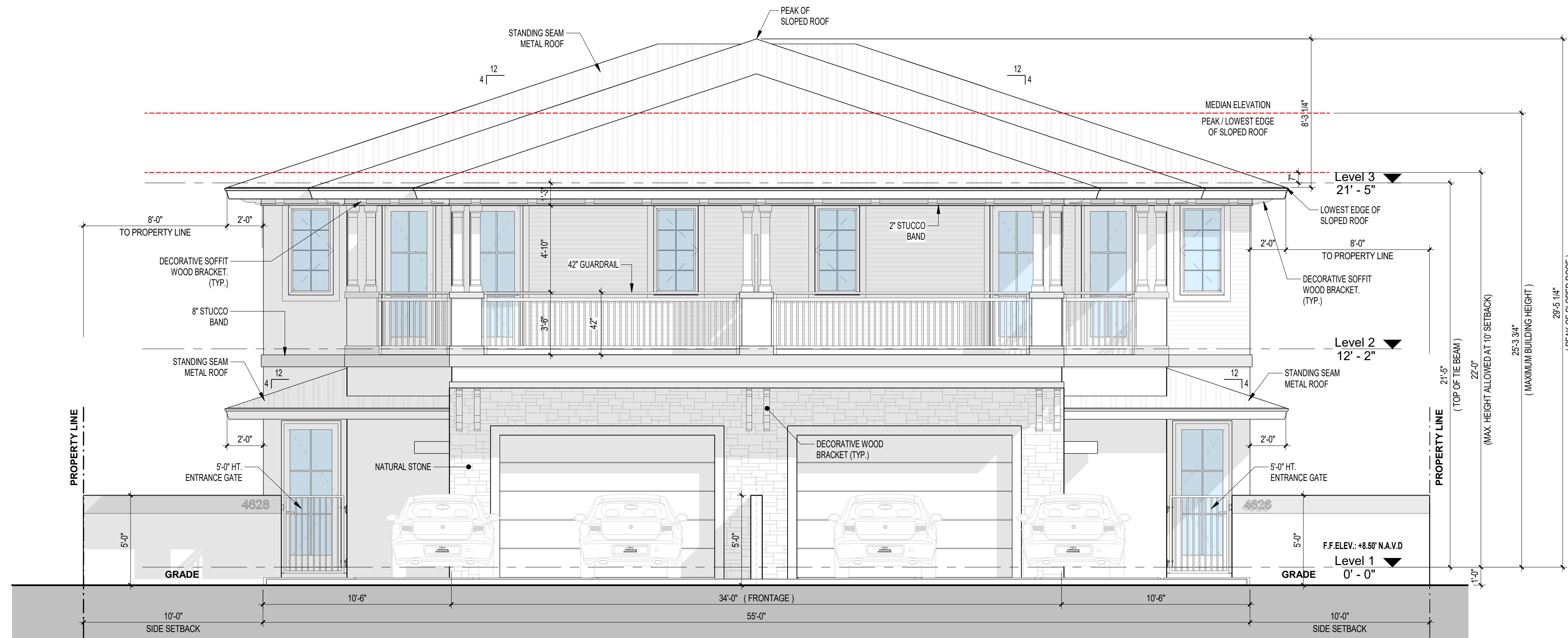
JOB No: Project Number

Sheet Content

FRONT - REAR
ELEVATIONS

Sheet No.

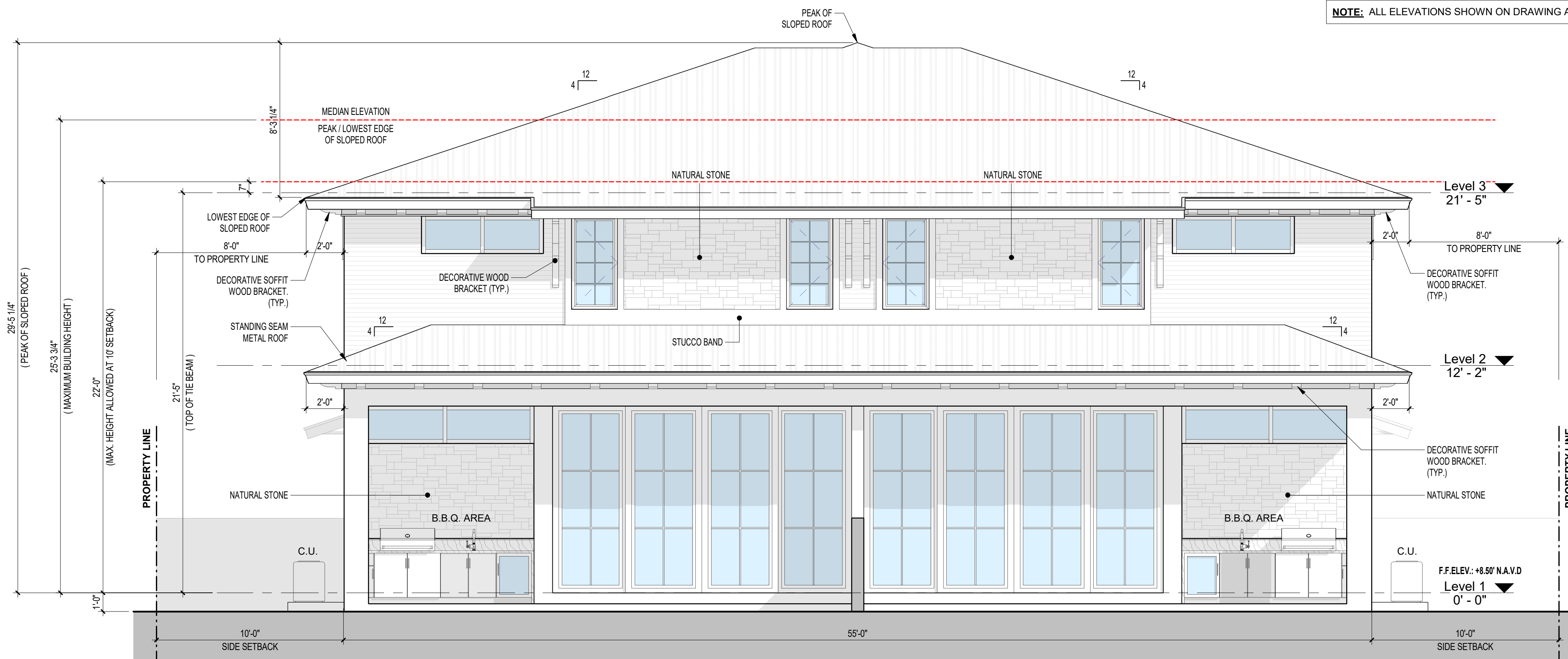
3



2 FRONT ELEVATION (WEST)
3 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.

NOTE: ALL ELEVATIONS SHOWN ON DRAWING ARE N.A.V.D. OF 1988



1 REAR ELEVATION (EAST)
3 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.



FABREGAT
design studio, LLC

JORGE FABREGAT
Ph. 786-506-3815
fabregatdesignstudio@gmail.com

Juan B. Ordonez, P.E.
FL Lic. 43380
STRUCTURAL ENGINEER

15554 SW 113 Street
Miami, Florida 33186
t: 305-401-2051

SEAL:

Juan B. Ordonez, P.E.
STRUCTURAL ENGINEER
FL Lic. # 43380

DATE:

NEW DUPLEX PROJECT

owner
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL 33308

REVISIONS

No.	Description	Date

DESIGNED BY: J.F.

DRAWN BY: J.F.

CHECKED BY: J.B.O.

SCALE: AS SHOWN

DATE: 02.24.25

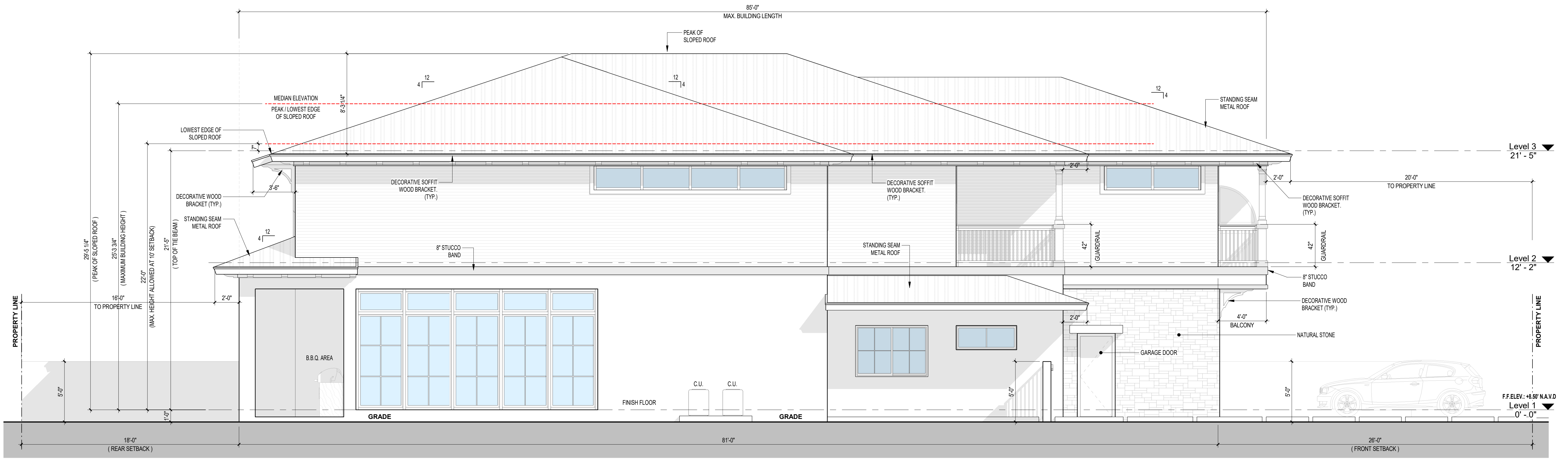
JOB No: Project Number

Sheet Content

SIDE ELEVATIONS

Sheet No.

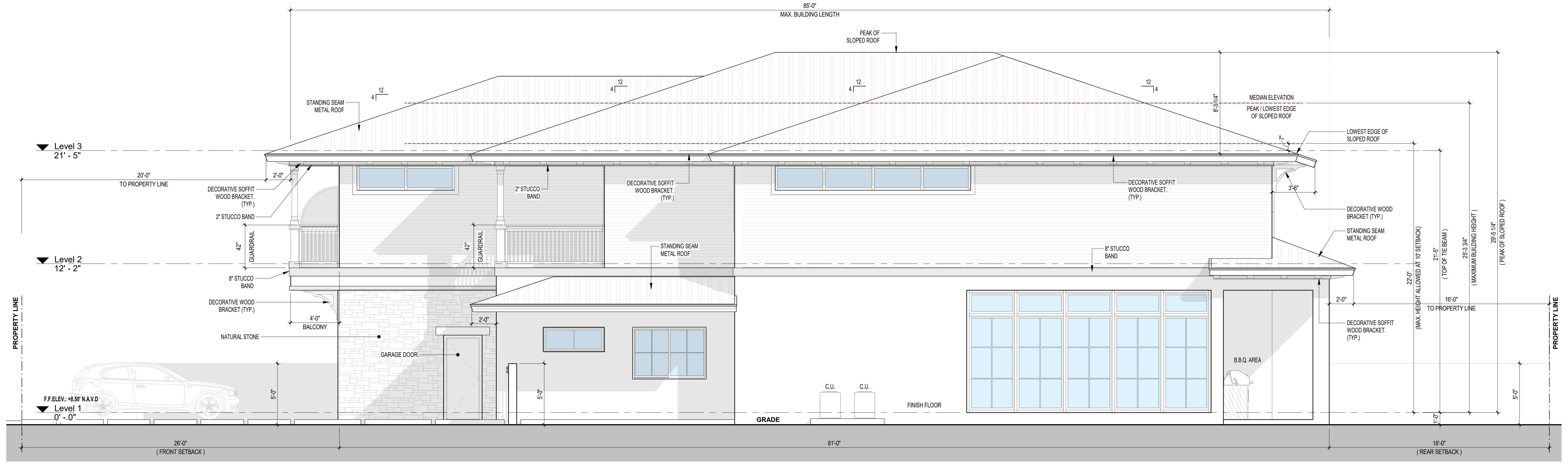
4



1 SIDE ELEVATION (NORTH)
4 1/4" = 1'-0"

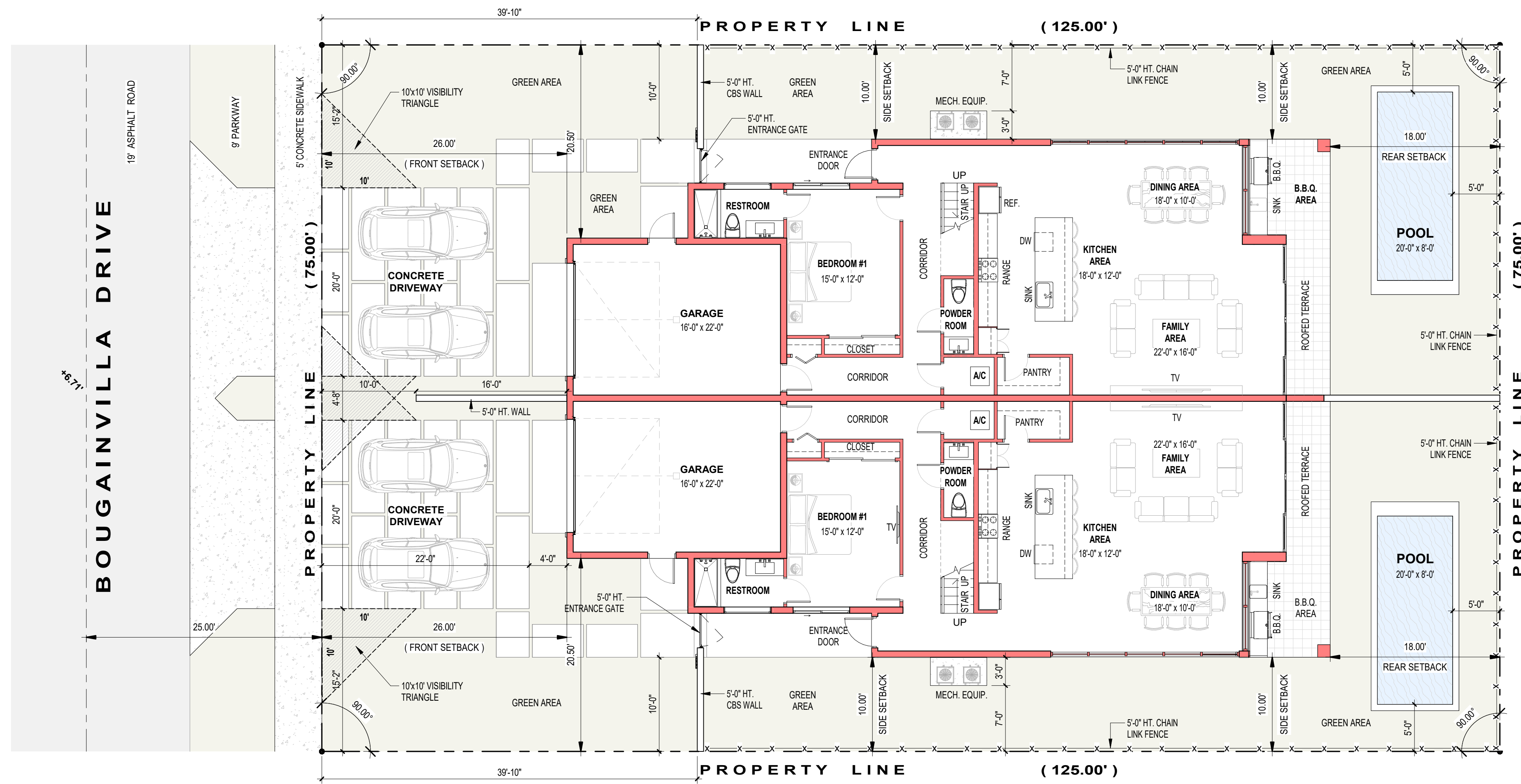
FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.

NOTE: ALL ELEVATIONS SHOWN ON DRAWING ARE N.A.V.D. OF 1988

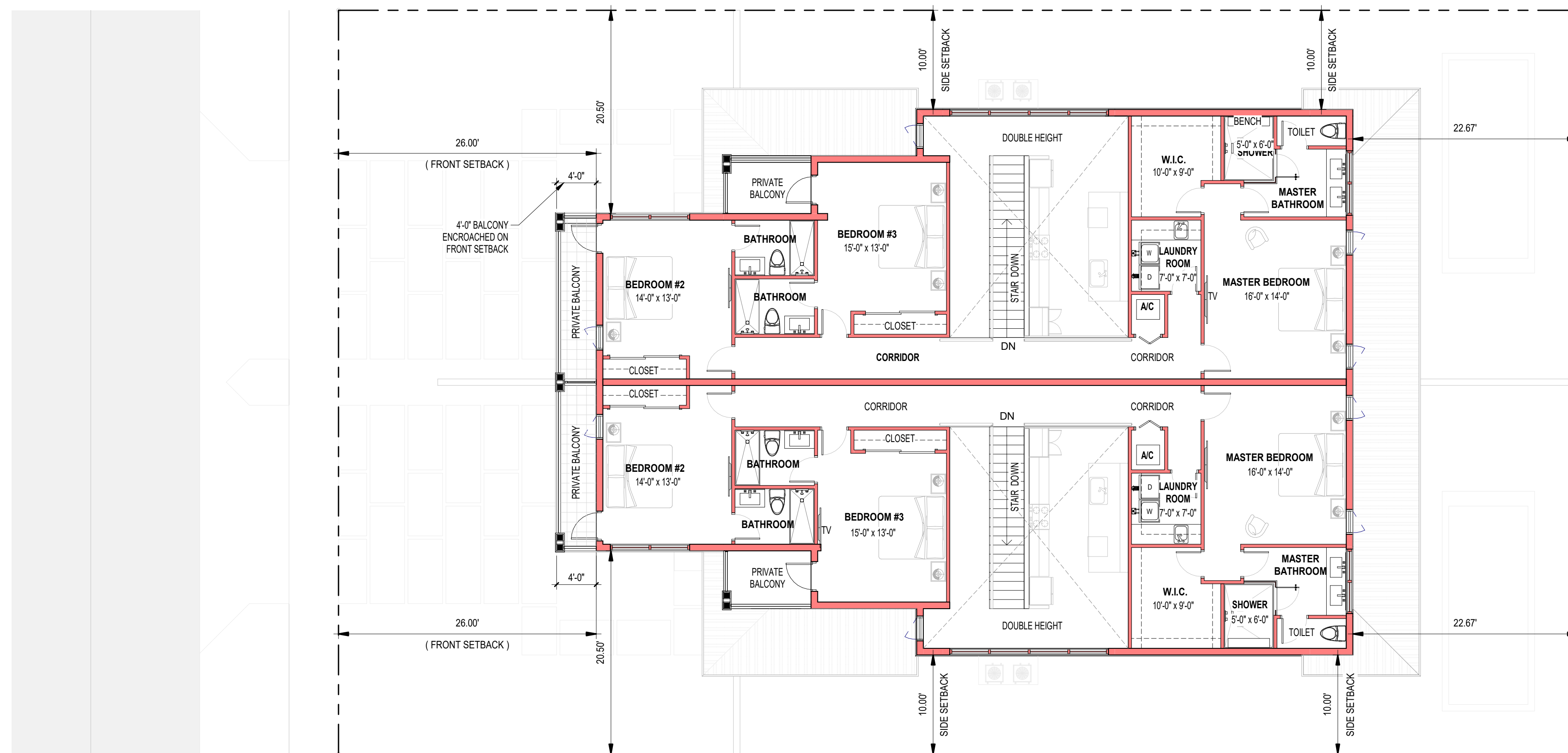


2 SIDE ELEVATION (SOUTH)
4 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.



1 **GROUND LEVEL FLOOR PLAN**
1/8" = 1'-0"



2 **SECOND LEVEL FLOOR PLAN**
1/8" = 1'-0"



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t: 305 401-2051

SEAL:

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STRUCTURAL ENGINEER
FL. LIC. # 43380

DATE:

NEW DUPLEX PROJECT
owner
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL. 33308

REVISIONS

No.	Description	Date

DESIGNED BY: J.F.

DRAWN BY: J.F.

CHECKED BY: J.B.O.

SCALE: AS SHOWN

DATE: 02.24.25

JOB No: Project Number

Sheet Content

FLOOR PLANS

Sheet No.

2

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 conflict 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		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 prohibited uses within a zoning category	166.041(3) (c) 2	n/a	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
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. 2014-08, § 3, 7-7-2014; Ord. No. 2022-05, § 3, 8-24-2022)

Sec. 30-126. - Conditional uses review.

- (a) *Defined.* A conditional use is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.
- (b) *Intent, purpose and effect.* The purpose of this section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code. where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use is quasi-judicial, and shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review.

- (c) *Application.* A conditional use application shall provide the following information unless waived by the DSD:
 - (1) Traffic impact study meeting the requirements of section 30-71(c)(14)d;
 - (2) Square feet designated (indoors or out) for each specific use;
 - (3) Estimated employment;
 - (4) Estimated number and type of service vehicles;
 - (5) Any unique facilities or structures proposed as part of site improvements; and
 - (6) A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.
- (d) *Specific criteria for approving a conditional use.* A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The Board and/or Commission may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. The applicant shall demonstrate the following:
 - (1) *Land use compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in

the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

- i. Permitted uses, structures and activities allowed within the land use category;
- ii. Building location, dimensions, height, and floor area ratio;
- iii. Location and extent of parking, access drives and service areas;
- iv. Traffic generation, hours of operation, noise levels and outdoor lighting;
- v. Alteration of light and air;
- vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;
- vii. The architectural and site design are compatible with the character of the surrounding area; and
- viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

- (2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- (3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.
- (4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use

activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

(e) *Conditional use approval amendments.* A conditional use approval is specific to the density and intensity of the proposed use, the particular site plan and any supplemental conditions approved. Unauthorized modification to a site plan or any of the specifics or conditions of the conditional use approval is a violation of the Town Code and subject to code enforcement action and/or revocation of the conditional use approved. Any proposed modification to the conditional use that affects density, intensity or minimum code requirements of the site development plan will require review and approval by the Town Commission.

(1) The Town Manager shall determine if the request is a Level 1 Amendment or a Level 2 Amendment. In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of section 30-123(a)–(c) of the Code.

a. Level 1 Amendment: Shall be processed pursuant to the requirements for a Level 1 Review- Administrative Approval as set forth in section 30-113.

b. Level 2 Amendment: Shall be processed pursuant to the requirements for a Level 2 Review - Town Commission Approval as set forth in section 30-113.

(f) *Continuing jurisdiction.* The Town Commission hereby reserves to itself the jurisdiction and authority to review and revoke conditional use permits where the use or the continuation of the use:

(1) Violates the conditions set forth by the Town Commission as a requirement for the granting of the use;

(2) Is injurious to the health, safety or welfare of the community or of the public;

(3) Tends to attract vagrants, loiterers or habitually intoxicated persons; or

(4) Has a history of repeated Code violations.

(Ord. No. 2014-08, § 3, 7-7-2014)

Sec. 30-51. - Architectural review standards.

- (a) *Purpose and intent.* The purpose of this section and the Town's Architectural Design Standards (sometimes referred to as the "Town ADS") is to encourage the local adaptation of the Mid-century Modern architectural style as the preferred architectural style of the Town, in that such architectural style is compatible with the essential character of the Town, supportive of efficient development, is architecturally and visually appealing, and fosters a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment.
- (b) *Incorporation by reference of Town Architectural Design Standards.* The Town Architectural Design Standards manual (also known as the Town ADS manual), as adopted by resolution of the Town Commission and as may be amended from time to time, is hereby incorporated into this article II, division 1. Architectural Review Requirements. All provisions of this section shall be interpreted in conformance with the Town ADS. In the event of conflict between the ADS and the Code, the Code governs.
- (c) *Applicability.*
- (1) The following shall be reviewed for compliance with the architectural standards and architectural review requirements provided by this section and the Town ADS:
 - a. All development, including new construction, reconstruction, alterations and additions within the B-1-A, B-1, RM-25, and RM-50 Town zoning districts;
 - b. The exterior renovation, rebuilding, or restoration of a duplex unit, consistent with the requirements of section 30-137(d) for consistency in form and style with the remaining duplex unit to which the reconstructed duplex unit will be attached.
 - (2) Alterations and additions to existing buildings with design elements that are associated with the Mid-century Modern style of architecture shall conform to that architectural style.
 - (3) Alterations and additions to existing buildings with design elements that are not associated with the Mid-century Modern style of architecture shall conform to the architectural style of the existing building.
 - (4) The Town ADS further defines the requirements of the Mid-century Modern style and alternative architectural styles, and the various elements of design that are encouraged and discouraged in the Town.
- (d) *Architectural styles.*
- (1) *Mid-century Modern.* The preferred architectural style of the Town shall be in accordance with the Mid-century Modern or similar harmonious architecture, except that any buildings Broward County has designated as a "historic resource," pursuant to Article XVII of the

Broward County Code of Ordinances, as may be amended from time to time, shall conform to the architecture of the existing building.

(2) *Alternative architectural styles.*

- a. While the Mid-century Modern architectural style is the Town's preferred architectural style, it is not intended to be the exclusive architectural style of the Town. Alternative architectural styles and design concepts may be considered during the development review process. However, it shall be the applicant's burden to show that the proposed alternative architectural style and design concepts, to the maximum extent practical, are compatible with the architectural style of adjacent existing or approved development on the same or adjacent properties and street frontages.
- b. Alternative architectural styles may be considered appropriate if it is found that:
 1. The proposed alternative style is compatible with the architectural style of adjacent existing or approved development on the same or adjacent property; and
 2. The architectural style of proposed development incorporates a scale, massing, and sufficient number of the same or similar design elements (e.g., horizontal or vertical building facade articulation, building facade articulation elements, facade materials, roof design, use and design of balconies, window design, door design, use and design of window or door shading devices, railing design, etc.) to create a clear and affirmative relationship or transition between the architectural styles of existing buildings or of approved development on the same or adjacent properties and street frontages.
- c. "Adjacent," when used herein, shall mean a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land, or a lot or parcel of land that is separated from another lot or parcel of land by a right-of-way or park.

(e) *Review of architectural design.*

- (1) To ensure that any application for a development approval or permit, as required by this chapter, complies with architectural design review provisions, the Town Manager shall:
 - a. Designate staff with appropriate levels of education or expertise; and/or
 - b. Retain the services of a consultant with appropriate levels of education or expertise.
- (2) If the Town Manager retains the services of a consultant to conduct the architectural design review, then the Town shall recover the costs for such services in accordance with the provisions of this chapter.
- (3) The primary purpose of the architectural design review shall be:
 - a.

To determine whether or not the plans submitted comply with the architectural design features and materials typical of the Mid-century Modern architectural style. Alternatively, if the plans submitted are of an alternative architectural style that complies with the requirements of the Town ADS, to determine whether those plans comply with the architectural design features and materials typical of that style; and

b. To suggest to the applicant such changes as may be necessary to bring the plans into conformity with the relevant architectural style.

(f) *Compliance with all other applicable code provisions.*

(1) The plans and specifications required to be submitted for the proposed development approval or permit shall be designed in accordance with all other applicable code provisions.

(2) In the architectural design review, compliance with all applicable building and life-safety codes shall prevail over any conflicting provisions of other applicable codes or standards.

(g) *Application for architectural design review.* An application for architectural design review shall be submitted to the Department on a form provided by the Town with such exhibits as may be required by the Town, accompanied by a fee to be provided by resolution.

(h) *Approval of architectural design.* The Town shall determine whether the plans submitted substantially conform to the provisions of this section and the Town ADS in preserving the traditional aesthetic treatment of the community, and shall include such findings as part of the documentation required for development review and approval.

(i) *Revisions to approved plans.* Modification to the approved plans shall be subject to the provisions for modifications to approved site plans as provided in section 30-123.

(j) *Appeals.* The applicant may appeal the administrative determination regarding the compliance of plans submitted for a development permit with the provisions of this section and the Town ADS, as follows:

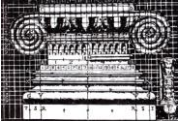
(1) *Process for review and hearing of appeals.* Appeals shall be submitted to the Town Commission on a form provided by the Town accompanied by a fee to be provided by resolution.

(2) *Timing and components of appeal.* All appeals shall be filed within 30 days of the administrative determination of compliance or non-compliance. The appeal shall be based on the application file and plans submitted up to the date of the determination being appealed, including the Architectural Design Review Report and any relevant documents, and the applicant's appeal form and the staff's response thereto.

(3) *Appeal hearings.* The Town Commission shall consider the appeal on the record at a regularly scheduled public meeting held within 55 calendar days of the filing date of the appeal. Arguments may be made to the Town Commission supporting or opposing the appeal, but no additional written information or testimony, beyond a procedural history provided by staff, shall be submitted at the hearing by the applicant or the Town staff/consultant.

(4) *Decisions on appeals.* The Town Commission may approve, approve with modifications or conditions, or deny the application. Approval with modifications or conditions shall be subject to further Town review of revised plans for compliance with the modifications or conditions imposed by the Town Commission. For the purpose of appeal, the Town Commission's decision shall be considered a final development order.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2016-03, § 3, 7-26-2016; Ord. No. 2021-04, § 3, 7-27-2021)



LEO HANSEN, A.I.A., ARCHITECT
1101 Southeast 6th Street Fort Lauderdale, FL 33301 lchaia9093@gmail.com

MEMORANDUM: ARCHITECTURAL REVIEW

To: Jhanelle Campbell, Development Services Director
Town of Lauderdale-by-the-Sea
Re: Architectural Review (ULDR Sec. 30-51)
Project: 4628 Bouganvilla Drive Duplex Project
Review No.: 2025-AR-03-1
Project Address: 4628 Bouganvilla Drive
Date: May 27, 2025

The applicant has proposed a new Duplex for the above reference site. The proposed design is an alternative style that is compatible with the Mid-Century Modern character of the town. The applicant has applied for a Level 2 Administrative Adjustment relating to the proposed height of the building at the setback line. If this adjustment is granted, then our office recommends approval of the project.

Leo Hansen
Leo Hansen, A.I.A., Architect

Sec. 30-114. - Public participation required.

(a) *Purpose and intent.* The public participation process provides for the ability of citizens of the Town to actively participate in the Town's development procedures and allows the Town's citizens to play an essential role in shaping the direction of the Town's development, thereby enhancing the welfare of the community.

(b) *Applicability.* All applicants submitting applications to the Town for approval of a site plan, site plan level 2 modification, conditional use variance (except for a single-family home), right-of-way vacation, rezoning, or land use plan amendment shall solicit citizen participation in accordance with this section.

(c) *Citizen participation meeting.*

(1) *Meeting.*

a. *Required; timing.* Subsequent to filing a complete application with the Town, as set forth in subsection (b) above, applicants shall be required to conduct a minimum of one public meeting with residents, property owners and interested parties that may be affected by the proposed application (the affected parties), or additional number of meetings as may be directed by the Development Services Director (DSD) or designee. The meeting shall not be scheduled or conducted before the initial review of the application has been completed by the DSD or designee.

b. *Notice.*

1. Applicants shall provide affected parties with notice of the proposed application as set forth in section 30-139 of this Code. "Affected parties" include residents and property owners that are located within a 300-foot radius of the subject property associated with the proposed application, and any other interested parties who have submitted a written request to the DSD or designee with a stated interest in the proposed application to be included in the notice.

2. Prior to sending mailed notices of the proposed application to affected parties, the applicant shall be required to submit a copy of the proposed notice and application summary to the DSD or designee for review and approval. Applicants shall then be provided a list of affected parties to which the notice must be mailed. Additionally, applicants shall also be required to provide the DSD or designee with a copy of the mailed notice. A summary of the proposed application shall be included within the mailed notice provided to affected parties and made available for review by the public at the meeting.

c. *Purpose; location.* The purpose of the citizen participation meeting is to discuss the proposed application, provide Town citizens with the ability to actively participate in the Town's development procedures and solicit public comment from affected parties and the

community. Citizen participation meetings may be held at Jarvis Hall, subject to scheduling and availability, or at a similarly convenient location within the Town, provided such location is accessible and open to the public.

d. *Submission of summary.* A written summary setting forth the details and results of the citizen participation meeting shall be submitted to the DSD or designee for approval by the Town Manager or designee at least 21 days prior to the Planning and Zoning Board's review of the proposed application, in accordance with the requirements of this section. Notwithstanding the foregoing, applications for conditional uses for signs shall submit a written summary setting forth the details and results of the citizen participation meeting to the DSD or designee for approval by the Town Manager or designee at least 21 days prior to the Town Commission's review of the proposed application, in accordance with the requirements of this section.

(d) *Citizen participation meeting summary.*

(1) *Citizen participation meeting summary.* All citizen participation meeting summaries shall include:

- a. A brief written summary of the proposed application and development project.
- b. Dates and locations of all meetings where affected parties were invited to discuss the applicant's proposal.
- c. The names, dates, and number of attendees. The applicant shall request that attendees provide their contact information, including name, address and email, and report that information, if available.
- d. A written summary of the issues and concerns raised during the meeting and how the applicant proposes to resolve these issues and concerns. If the applicant is unable or unwilling to resolve the issues and concerns raised during the meeting, the summary should state the reason why these issues and concerns cannot be resolved.
- e. The written summary shall be submitted and reviewed by the DSD or designee to determine whether the applicant has completed the citizen participation requirements and procedures set forth in this section prior to its transmittal by staff to the Planning and Zoning Board for review and consideration.

(e) *Consideration by the Planning and Zoning Board and the Town Commission.* The applicant's citizen participation meeting summary shall be included as an exhibit to the staff report. Any issues identified in the meeting summary that are pertinent to any provision of this Code, which may affect the Planning and Zoning Board's recommendation or the Town Commission's determination of the application may be taken into consideration by the Planning and Zoning Board and the Town Commission as part of their deliberations.

(Ord. No. 2021-11, § 2, 10-26-2021; Ord. No. 2022-05, § 2, 8-24-2022)



NEW DUPLEX PROJECT

4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL. 33308

Citizen Participation Meeting Summary
of June 19th, 2025



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Application and Development Summary

Project Summary

The proposed new duplex development is located on 4628 Bougainvilla Drive, Lauderdale by the Sea, FL. 33308, currently occupied by a single-family residence built in 1951. The site has a zoning classification of RM-25 with a permitted density of 9.3 du/acre. The total lot area is 9,375 Sq.Ft. (0.215 acres) which means that the site has the potential of developing a total of five units or ten hotel units on a three-story structure. Instead, the new development proposes a two-units duplex on a two-story building structure which will provide to the neighbors a lower density, lower parking requirement, lower traffic impact, lower scale and building mass than what is permitted under its current zoning.

In addition to this, the new development design is compatible with the aesthetic character of the area improving the general quality of the pedestrian experience by providing a tropical landscape on the first twenty-five (25) feet of frontage instead on covering the full width of the lot with asphalt pavement dedicated for parking; a typical condition that repeats along Bougainvilla Drive. Moreover, the proposed total height and its facade articulation was studied to allow good light penetration, good air flow, view corridors and privacy to the neighboring properties. The proposed duplex building will blend well with the character of the area and will not have any negative impact directly or indirectly in traffic generation, noise levels, density, scale and type of use to the nearby uses.

The proposed use “Duplex”, is allowed by the current zoning classification “RM-25” through a conditional use application to the Lauderdale by the Sea Development Service Department.

Citizen Participation Meeting

The Citizen Participation meeting was held on Thursday June 19th, 2025, 6:30pm at the Javin Hall located on 4505 N. Ocean Drive, Lauderdale by the Sea, Florida 33308. To the meeting assisted the parties interested in how the new development could impact the neighborhood.

Attendees List

There were two members of the community that attended the citizen participation meeting.

MEETING ATTENDEES			
NAME	ADDRESS	EMAIL ADDRESS	PHONE NUMBER
TRACY ANN GABRIEL	4632 Bougainvilla Drive	tracyanngabriel@gmail.com	
JOHN COLEMAN	4620 Bougainvilla Drive	Johnfttd@aol.com	

Community Member Comments

Mr. John Coleman is a resident of Sangria Building located to the south side of the site.

- 1) The main concern of this resident was the scale and height of the building related to his balcony at the second level of the building. He was concern on any alteration to his view corridor, sun light penetration, privacy and access to the blue sky.

Applicant response:

The placement of the building and its mass articulation was designed in order to not have a negative impact in the air flow, view corridor and privacy to the neighbors. The setback where the building reach its maximum width is ten (10) feet away for the south and north property lines. In this case, Sangria building on the south side has an approximate setback of twenty (20) feet meaning the balconies would be thirty feet away (30) away from the new structure. This condition only happens along forty-four (44) linear feet of wall at the rear end of the building where it reaches the max. width of 65'. These forty-four (44) linear feet of wall constitute 51.76% of the total building length and 35% of the total lot depth. The rest of the building length setback increases as it moves west (*street side*) going from 10' to 14.67' and 20.50' consecutively.

In addition to this, the balconies of the new building are orientated towards the west front (*street side*) in order to protect the privacy of the north, south and east neighbors.

- 2) Mr. Coleman was also concerned about the future occupancy of the new building. Specifically if it would be used for Airbnb or for a permanent resident due to issues they have had in the past.

Applicant response:

The future use for this project is family residence orientated. The propose parking design and number are orientated towards a family use, not a short-term rental although the city allows Airbnb use in the area.

- 3) Mr. Coleman complained for the maintenance negligence of the existing palm trees and he was worried that the new landscape would be treated the same way. Also, the proposed royal palms along the north and south side of the property could be too tall possibly blocking the view from his apartment.

Applicant response:

The proposed new landscape was designed having in consideration this aspect by choosing low maintenance species for better maintenance. The use of tall palms along the north and south side of the property line is an effort to provide a buffer element blocking noise and providing additional privacy to both neighbors.

However, we can substitute them with lower palms species to prevent Mr. Coleman's concern in the future.

- 4) The resident also was concerned about the use of piling for foundation and the potential structural damage it could bring to his building.

Applicant response:

The soil test performed on the site do not suggest the use of piling. Due to the soil strength found on the site, regular spread footing is recommended to be used.

Ms. Tracy Gabriel is a resident of 4632 building located to the north side of the site.

- 1) The resident was initially concerned with her privacy along the north side property line between her building and the new development since currently is completely open.

Applicant response:

The new duplex development will provide a five (5) foot tall chain link fence plus a continuous podocarpus hedge along the north, east and south sides of the property line. This will be a great improvement to the current condition by providing a proper boundary and security to both properties.

- 2) Another question the resident had was if one side would be occupied by the owner or both sides would be rented.

Applicant response:

The initial intention of the owner is perhaps to live in one unit and the other unit could be occupied by a family member. However, long and short-term rental is permitted in the area.

- 3) Resident questioned the future market value of the development in terms of rent and sell values as it could bring a negative impact to the area.

Applicant response:

Market value is subjected to specific area characteristics, location, specific demands and other factors. Currently, this information is not available to provide.

- 4) The resident questioned why the intend is to build only two (2) units when the property is surrounded by multifamily buildings with 4, 5 and even 9 units; and why not having the option of developing a one-story single-family residence instead of a duplex.

Applicant response:

The general intention is to take advantage of the available density designation of the property by developing a multifamily building that will be more comfortable to comply with local requirements such as density, height, parking requirement and other important factors minimizing at the same time the impact it could potentially bring to the area. By developing the maximum potential of five (5) small units or ten (10) hotel units the impact to the area will be substantially bigger than what it is proposed; this will create unnecessary discomfort among the adjacent residents.

- 5) The resident also pointed that in her opinion, the aesthetic of the building does not correspond to the area.

Applicant response:

The aesthetic of the proposed buildings was design to properly blend with the elements commonly found in the surrounding areas. They are many two-story duplex buildings similar in size, occupancy, parking, aesthetic on similar lots along Bougainvilla Drive.

APPENDIX

Notice of Meeting



Attendees Sign-in Sheet

Town of Lauderdale-By-The-Sea

Citizen Participation Meeting - Sign-In Sheet
 Date: June 19, 2025
 Time: 5:00 PM - 6:30 PM
 Location: Jarvis Hall, 4505 N. Ocean Drive, Lauderdale-By-The-Sea, FL 33308
 Case Number: 2025-LVL2-SPM-02
 Project: Level 2 Site Plan Modification to Add 4 Hotel Units at 4225 El Mar Drive
 Applicant: Buena Vista Hotel

#	Name	Address	Email Address	Phone Number (Optional)	Comments or Questions
1	Gabriel	4632 Bougain	tracygabriel@gmail.com		Listening for what's next
2	John Coleman	4660 Bougain	John.fride@aol.com		Against new construction
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
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15					
16					
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18					
19					

PROJECT PRESENTATION

NEW DUPLEX PROJECT

Citizen Participation Meeting Presentation



**4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL. 33308**

Date: **06.26.2025**





MULTI FAMILY BUILDINGS
 4632-4636-4640 Bougainville Dr,
 Lauderdale by the Sea, FL 33308
 (North Side)

- 1- First 20 feet front setback occupied by "Asphalt" parking spaces.
- 2- No landscape provided to the public right-of-way.



EXISTING PROPERTY
 Lot Area : 9,375 S.F.
 Zoning : RM-25
 Density : 9.3 du/acre

The current zoning designation allows to build up to five units or ten hotel units but the proposed conditional use will provide only two spacious units minimizing the impact to the nearby uses.



SANGRIA APTS. BUILDING
 4628 Bougainville Dr,
 Lauderdale by the Sea, FL 33308
 (North Side)

- 1- First 20 feet front setback occupied by "Asphalt" parking spaces.
- 2- No landscape provided to the public right-of-way.



AREA OF PROJECT

GENERAL LOCATION SKETCH
 NOT TO SCALE



LOCATION OF PROJECT
 NOT TO SCALE

AREA OF PROJECT
 4628 BOUGAINVILLE DRIVE
 LAUDERDALE BY THE SEA,
 FL 33308

<p>FQ FARRICAT design studio, LLC</p> <p>REGISTRATION No. 061,004,0117 https://www.fqfarricat.com</p> <p>Juan B. Ochoaiz, P.E. FL Lic. 43380 10001 SW 153 Street Miami, Florida 33186 305.400.0000 1500 SW 153 St</p>	<p>NEW DUPLEX PROJECT</p> <p>OWNER 4628 BOUGAINVILLE DRIVE LAUDERDALE BY THE SEA, FL 33308</p>	<p>DATE: _____</p> <p>Juan B. Ochoaiz, P.E. PROFESSIONAL ENGINEER FL Lic. # 43380</p>	<p>DATE: _____</p> <p>REVISIONS</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Description	Date			
	No.	Description	Date						
<p>DESIGNER: J.B.</p> <p>DRAWN BY: J.B.</p> <p>CHECKED BY: J.B.O.</p> <p>SCALE: AS SHOWN</p> <p>DATE: 02/25/2025</p> <p>PROJECT NUMBER: _____</p> <p>Sheet Content LOCATION SKETCH</p>	<p>SHEET NO.</p> <p>0.1</p>								

LEGAL DESCRIPTION
 0.71 AN UNDIVIDED LOT OF 10,000 SQ. FEET OF LAND LAYING IN THE SW 1/4 OF SECTION 16, TOWNSHIP 26 N, RANGE 28 E, COUNTY OF BROWARD, FLORIDA

AREA CALCULATIONS

LOT AREA	9,974 SF	0.225 AC
PROPOSED NEW CONSTRUCTION	2,228 SF	0.051 AC
EXISTING CONSTRUCTION	2,228 SF	0.051 AC
RESIDENCE AREA	7,288 SF	0.166 AC
LANDSCAPE AREA	2,686 SF	0.061 AC

ZONING

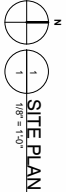
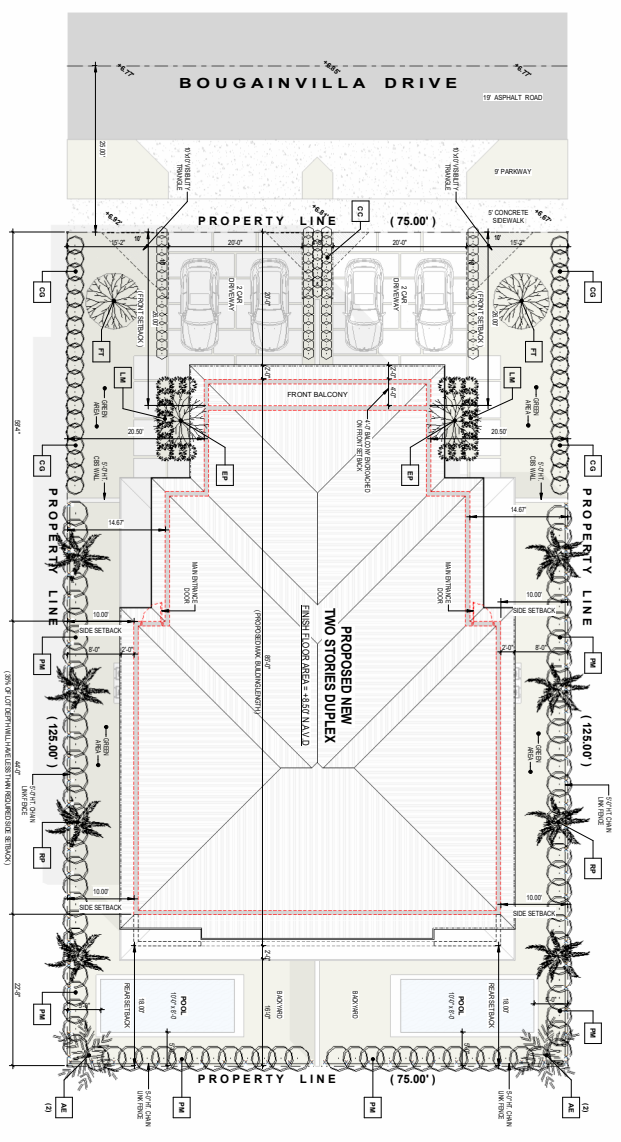
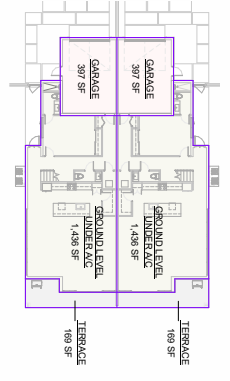
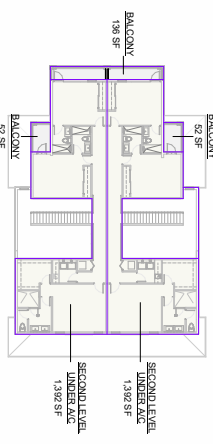
GROUP	R-1	RESIDENTIAL SINGLE-FAMILY
PERMITTED USES	RESIDENTIAL SINGLE-FAMILY	
PROPOSED USE	NEW CONSTRUCTION	
CONFORMANCE	CONFORMS	

ZONING CALCULATION

FORMER CLASSIFICATION	R-1	
PROPOSED CLASSIFICATION	R-1	
MINIMUM LOT AREA	5,000 SF	0.115 AC
MINIMUM FRONT YARD SETBACK	10 FT	
MINIMUM SIDE YARD SETBACK	5 FT	
MINIMUM REAR YARD SETBACK	5 FT	
MINIMUM FRONT SETBACK	10 FT	
MINIMUM SIDE SETBACK	5 FT	
MINIMUM REAR SETBACK	5 FT	

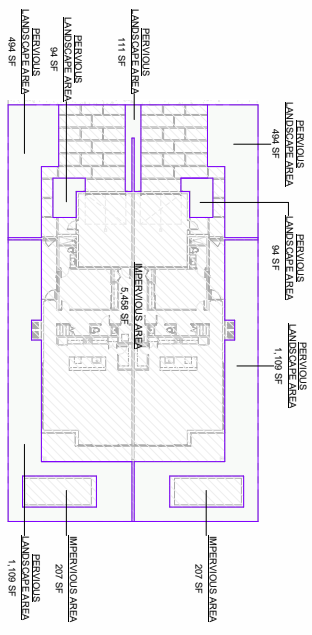
ZONING CALCULATION

FORMER CLASSIFICATION	R-1	
PROPOSED CLASSIFICATION	R-1	
MINIMUM LOT AREA	5,000 SF	0.115 AC
MINIMUM FRONT YARD SETBACK	10 FT	
MINIMUM SIDE YARD SETBACK	5 FT	
MINIMUM REAR YARD SETBACK	5 FT	
MINIMUM FRONT SETBACK	10 FT	
MINIMUM SIDE SETBACK	5 FT	
MINIMUM REAR SETBACK	5 FT	



IMPERVIOUS - GREEN AREA

DESCRIPTION	AREA
IMPERVIOUS AREA	5,468 SF
LANDSCAPE AREA	4,480 SF



LANDSCAPE LEGEND

SYMBOL	COMMIT	PLANT NAME	SPACING	NOTES
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9
10	10	10	10	10
11	11	11	11	11
12	12	12	12	12
13	13	13	13	13
14	14	14	14	14
15	15	15	15	15

SCALE: ALL DIMENSIONS SHOWN ON DRAWING ARE IN FEET AND INCHES

FQ
 FARRICAT
 design studio, LLC
 1000 S.W. 13TH AVE
 MIAMI, FL 33136
 TEL: 305.371.1338
 FAX: 305.371.1339

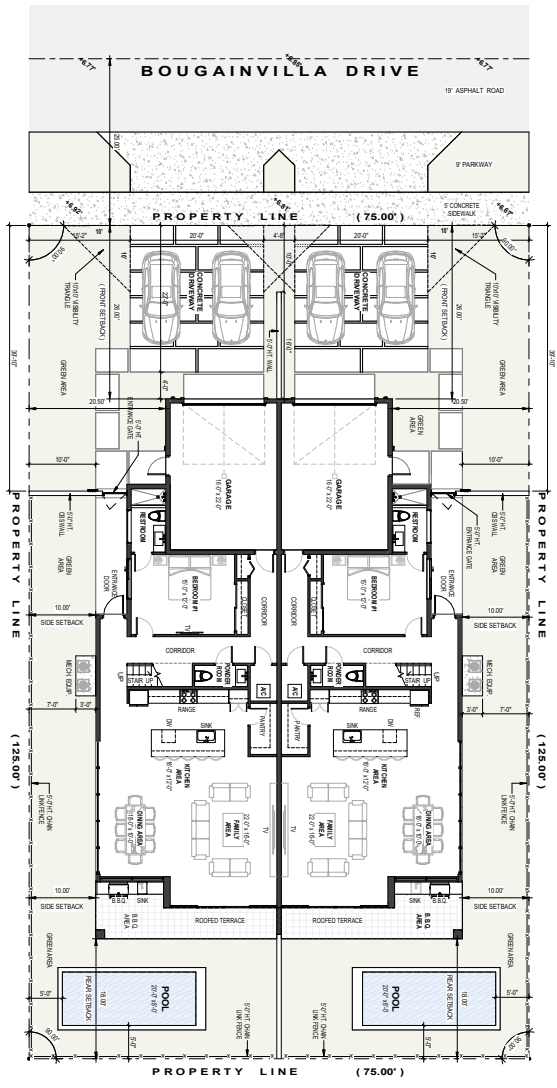
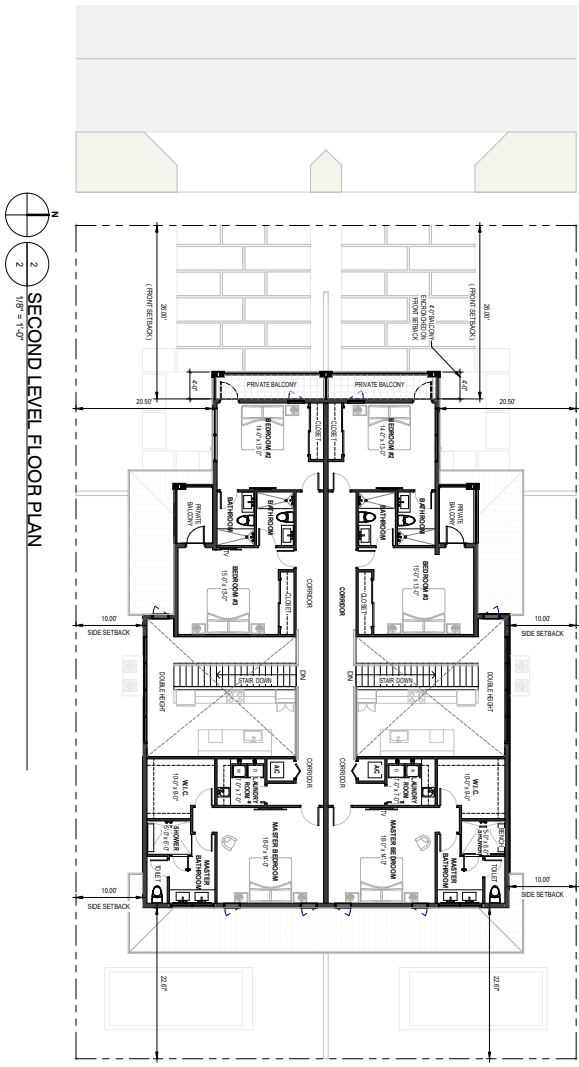
PROJECT
 NEW DUPLEX PROJECT
 4628 BOUGAINVILLE DRIVE
 LAUDERDALE BY THE SEA, FL 33308

DESIGNER
 JUAN B. OLIVERA, P.E.
 REGISTERED PROFESSIONAL ENGINEER
 FL. E.C. 14000

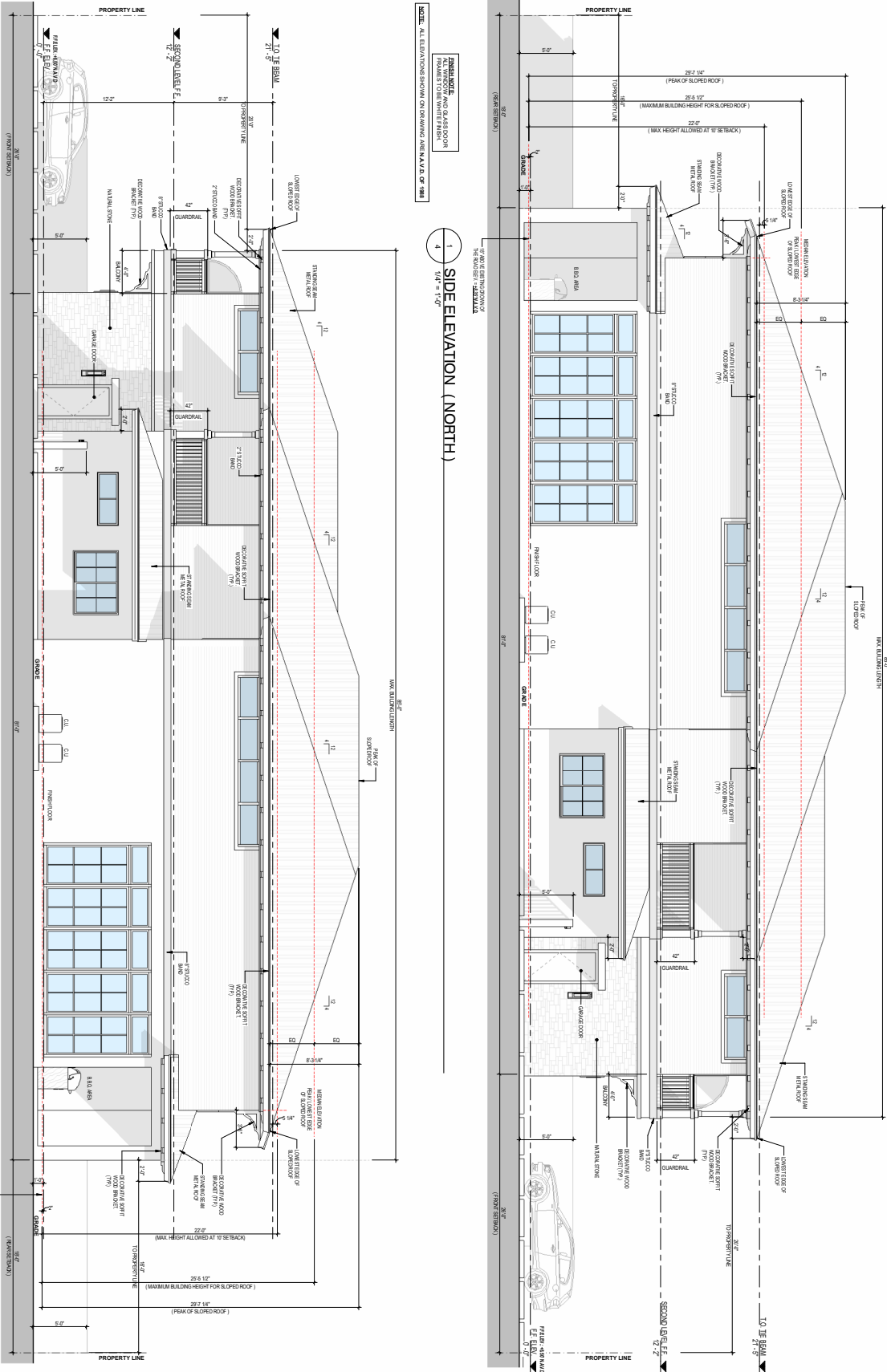
DATE
 02/25/2022

SCALE
 AS SHOWN

PROJECT NO.
 1



<p>FABRECAT design studio, LLC</p> <p>ARCHITECT M. W. FABRECAT 2027 W. 13TH AVE LAUDERDALE, FL 33304 TEL: 954.344.1338 WWW.FABRECAT.COM</p>	<p>JOHN B. O'CONNOR P.A. REGISTERED PROFESSIONAL ENGINEER FL. LIC. 43388 1000 S.W. 13TH STREET SUITE 100 LAUDERDALE, FL 33304</p>	<p>John B. O'Connell P.A. REGISTERED PROFESSIONAL ENGINEER FL. LIC. 43388</p>	<p>NEW DUPLEX PROJECT</p> <p>OWNER</p> <p>4628 BOUGAINVILLE DRIVE LAUDERDALE BY THE SEA, FL 33308</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Description	Date			
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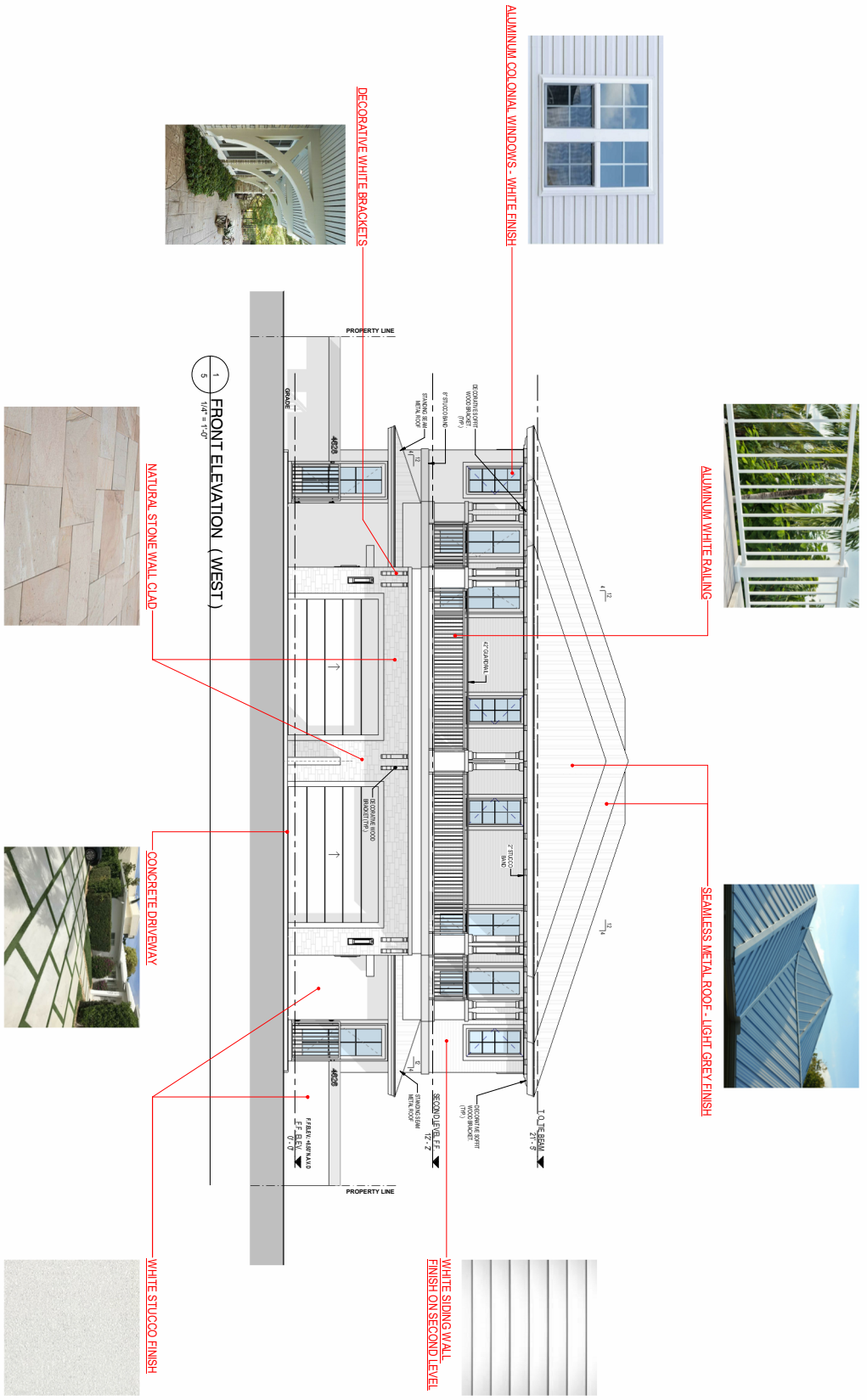


NOTES:
 1. ALL ELEVATIONS SHOWN ON DRAWING ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS SHOWN ON DRAWING ARE IN FEET AND INCHES.

1 SIDE ELEVATION (NORTH)
 1/4" = 1'-0"

2 SIDE ELEVATION (SOUTH)
 1/4" = 1'-0"

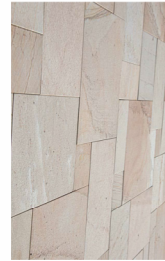
<p>FABRECAI design studio, LLC 1001 NW 13th Street Miami, FL 33136 305.371.8888 www.fabrecai.com</p>	<p>PROJECT: NEW DUPLEX PROJECT 4628 BOUGAINVILLE DRIVE LAUDERDALE BY THE SEA, FL 33308</p>	<p>DATE: 02/25/2022</p>	<p>SCALE: AS SHOWN</p>	<p>CLIENT: AS SHOWN</p>	<p>ARCHITECT: JUAN B. OLIVERA, P.E. 1001 NW 13th Street Miami, FL 33136 305.371.8888 www.fabrecai.com</p>	<p>FL LIC. #3880</p>
No.	Description	Date				
<p>Sheet No. 4</p>						



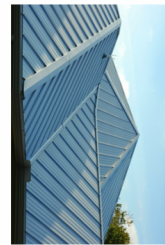
		JOHN B. OLSON & ASSOCIATES ARCHITECTS 10501 SW 153 RD AVE MIAMI, FL 33186 TEL: 305.444.3388 FAX: 305.444.3391	
John B. Olson & Associates ARCHITECTS P.L.L.C. # 43380		NEW DUPLEX PROJECT 4628 BOUGAINVILLE DRIVE LAUDERDALE BY THE SEA, FL 33308	
SHEET NO. 5		REVISIONS NO. DESCRIPTION DATE _____ _____ _____	
DESIGNER: J.B. ARCHITECT: J.B. CHECKER: J.B.O. SCALE: AS SHOWN DATE: 02/22/2022 DRAWING NUMBER:	SHEET CONTENT: FRONT MATERIALS		



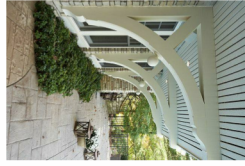
ALUMINUM COLONIAL WINDOWS - WHITE FINISH



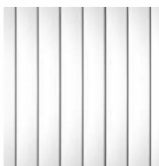
NATURAL STONE WALL CLAD



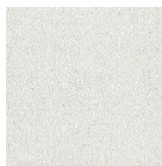
SEAMLESS METAL ROOF - LIGHT GREY FINISH



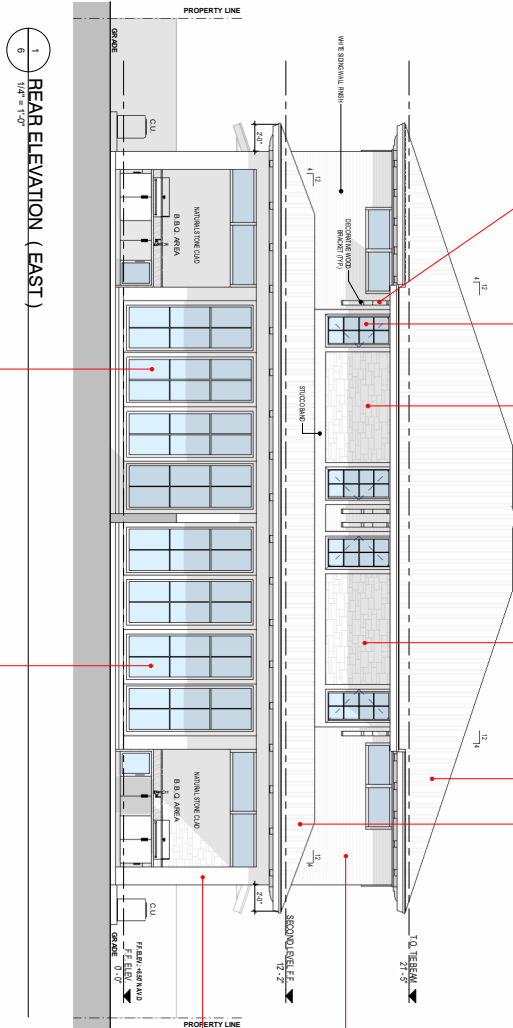
DECORATIVE WHITE BRACKETS



WHITE SIDING WALL FINISH ON SECOND LEVEL



WHITE STUCCO FINISH



1 REAR ELEVATION (EAST)
6 1/4" x 11' 9"

ALUMINUM COLONIAL SLIDING DOORS - WHITE FINISH



FABRECAT
design studio, LLC
1000 SW 113th Street
Miami, FL 33186
Tel: 305.444.1111
fabrecat.com

Juan B. Odomez, P.E.
FL Lic. 43380
1000 SW 113th Street
Miami, FL 33186
Tel: 305.444.1111
juan@fabrecat.com

Juan B. Odomez, P.E.
Structural Engineer
FL Lic. # 43380
Date: _____

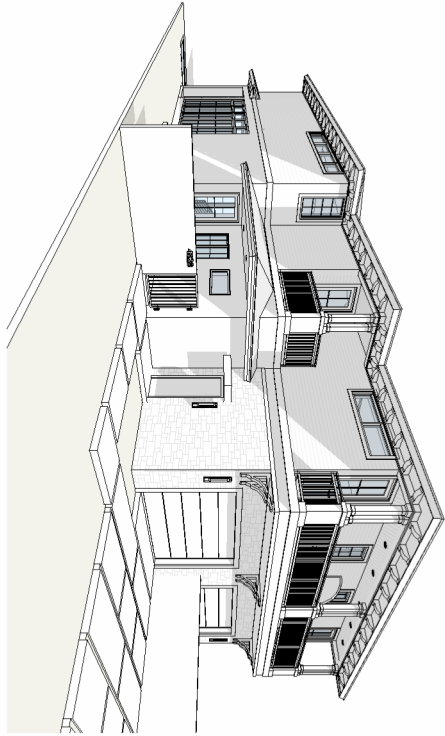
NEW DUPLEX PROJECT
OWNER
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL 33308

NO.	REVISIONS

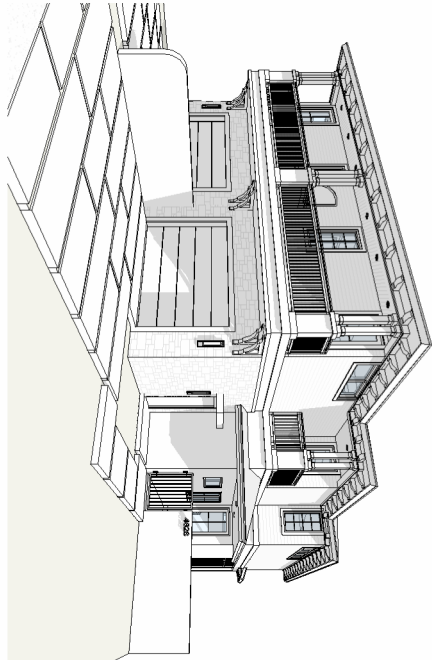
DESIGNER BY	J.B.
DRAWN BY	J.B.
CHECKED BY	J.B.O.
SCALE	AS SHOWN
DATE	02/25/2022
DATE	02/25/2022
DATE	02/25/2022

Sheet Content
REAR MATERIALS

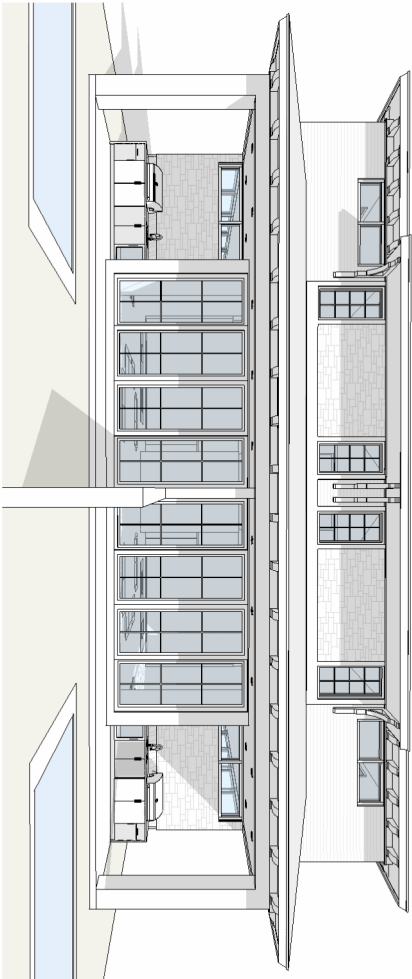
Sheet No. **6**



FRONT CORNER PERSPECTIVE



FRONT CORNER PERSPECTIVE



REAR PERSPECTIVE

<p>FQ FABRECAT design studio, LLC 1000 SW 113TH AVE MIAMI, FL 33156 TEL: 305.441.3388 WWW.FQFABRECAT.COM</p>	<p>ARCHITECT JUAN B. OLIVERA, P.E. FL LIC. 43380</p>						
	<p>DATE 11/26/2021</p>						
<p>OWNER JUAN B. OLIVERA, P.E. STUDIO FABRECAT FL LIC. 74000</p>							
<p>PROJECT NEW DUPLEX PROJECT</p>							
<p>4628 BOUGAINVILLE DRIVE LAUDERDALE BY THE SEA, FL 33308</p>							
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Description	Date			
No.	Description	Date					
<p>DESIGNED BY J.B. DRAWN BY J.B. CHECKED BY J.B.O. SCALE AS SHOWN DATE 02/23/2021 BY/IN CHARGE Juan B. Olivera</p>							
<p>Sheet Content 3D PERSPECTIVE</p>							
<p>Sheet No. 7</p>							

RENDERS











Planning and Zoning Board Agenda Item Report

Meeting Date: July 10, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Application Number 2025-L2-AA-02- Pursuant to Chapter 30 "Unified Land Development Regulations," Section 30-128 "Administrative adjustments of the Town's Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-241 (h) (6) (b) "Side Setbacks" of the Town's Code of Ordinances, to permit an encroachment of (2) feet into the required 12-foot side setback for the property located at 4628 Bougainvilla Drive.

Explanation: 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 Saad Remodeling & Custom Home Builders, INC (the "Applicant") to allow a 2-foot encroachment into the 12-foot required side setback for the construction of duplex for property located at 4628 Bougainvilla Drive (the "Property") (**Diagram 1**). The Applicant is requesting an Administrative Adjustment to allow an encroachment into the side setback on both sides of the property.



Diagram 1

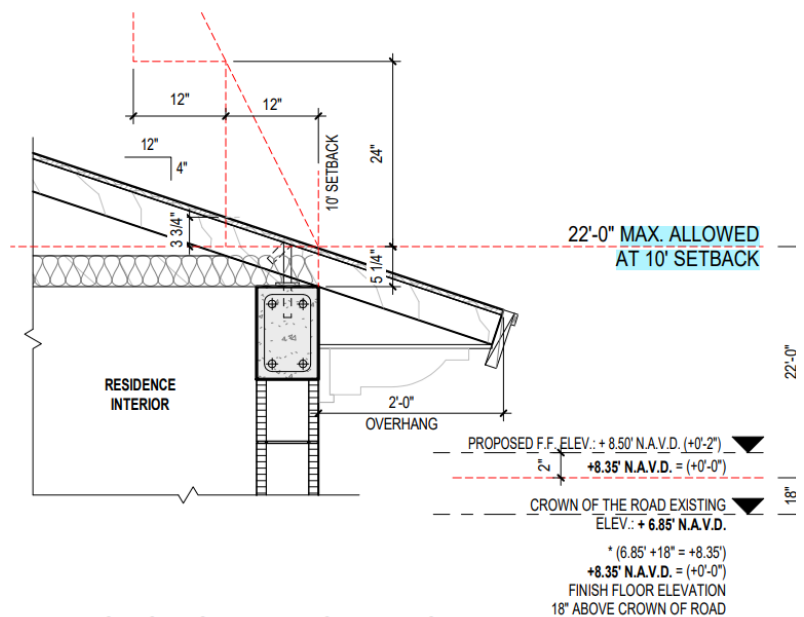
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Administrative Adjustment has been advertised, pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code") (**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The applicant is proposing to replace an existing one-story single-family residence on Bougainvilla Drive, south of Pine Avenue, with a new two-story duplex. The property is zoned RM-25 and is subject to a minimum side yard setback of 10 feet, with an additional foot required for every two feet in building height above 22 feet. The proposed structure features a sloped roof, with a peak height of 29 feet 7¼ inches and a lowest edge at 21 feet ¾ inches. Using the required base elevation of 8.5 feet NAVD, the applicant has calculated the median height to be 25 feet 5½ inches, which results in a required 12-foot side yard setback. The applicant is requesting a 17% reduction (2 feet) to this setback requirement. Less than half of the building length would encroach to within 10 feet of the side property lines, while the remaining portions maintain or exceed the 12-foot requirement. Additionally, the higher portions of the roof structure are placed more than 12 feet from the side property lines, minimizing visual and structural impact on adjacent properties (**Diagram 2**). A concurrent Conditional Use application has been submitted and is being reviewed under separate cover.

Description of the request sketch:

Code Section **30-241.h.6b**, (Side Setbacks South of Pine Avenue) establishes "Side setbacks shall not be less than ten feet, with the provision that if the height of the building exceeds 22 feet, then ten foot setback shall be increased by one foot for every two feet by which the height of the building exceeds 22 feet"



TYP. SECTION - 10' SETBACK

3/4" = 1'-0"

Diagram 2

Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 3**) 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	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment	4628 Bougainvilla Drive

Adjusted			
Setbacks	n/a	30% or 5 feet, whichever is less	2- foot encroachment request where 30% of the 12 foot required setback is 3.6'

Criteria and Analysis

Section 30-128 (**Exhibit 3**) 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 the following standards are met:

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

Applicant response: *The proposed administrative adjustment request will not increase the allowable density; it will provide a lower density than what is allowed by its Zoning Classification. The site has a classification of RM-25 which allows a density of 5 units to be built on this site. The proposed building provides only 2 units on a two-story building.*

Staff response: The criterion has been met.

2. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

Applicant response: *The administrative adjustment request does not exceed the allowable building height as per zoning code section 7.1.1. which limits the max. building height to 33'. The proposed building has a maximum height for a sloped roof of 25'-5 1/2" which is the resulting median elevation number between the peak (29'-7 1/4") and the lowest edge (21'-3 3/4") of the roof structure. This number is below the max. allowed height of 33'.*

Staff response: The criterion has been met.

3. 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: *The footprint does not encroach on existing site easements nor right-of-way limits.*

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 administrative adjustment request does not contain an unusual aspect or condition in its development or represent an unusual modification to the natural grade and general site conditions that will require to be compensated for.*

Staff response: The criterion has been met.

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

Applicant Response: *The administrative adjustment request supports the objective of the zoning district by complying with the comprehensive and code ordinances such as onsite parking regulations, residential character, open space for green areas, scale, density ratio and overall height.*

- 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: *The administrative adjustment request is not 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.*

Staff response: The criterion has been met.

5. 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 conditional will not impact in a negative way directly or indirectly with the life and natural flow of the neighborhood as well as general health, safety and welfare.*

Staff response: This criterion has been met

6. 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 administrative adjustment request is not only is compatible with the aesthetic character of the area, it will also improve the general quality of the pedestrian experience by providing a tropical landscape on the first 25 feet of frontage instead on covering the full width of the lot with asphalt pavement dedicated to parking; a typical condition that repeats along Bougainville Drive.*

Staff response: The criterion has been met.

7. 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: *The proposed conditional use design will not have a negative impact in the reduction of view corridors. In addition, its total height and facade articulation was studied to allow good light penetration, air to flow and view corridors to the neighboring properties.*

Staff response:The criterion has been met.

8. The Administrative Adjustment is consistent with the comprehensive plan.

Applicant response: *The proposed conditional use complies with the current comprehensive and code ordinances. The project complies with the onsite parking regulations, residential character and style, open space for green - landscape areas, scale, density ratio and overall height.*

Staff response:The criterion has been met.

Recommendation: STAFF RECOMMENDATIONS: The criteria to grant the request have been met; therefore, staff recommends approval of the Administrative Adjustment, with the following condition:

1. If approved, the Administrative Adjustment approval expires concurrent with the expiration of the Building Permit approved for the subject property.

Exhibits:

1. Exhibit 1- Application and Plans
2. Exhibit 2 - Sec. 30-139. - Notice of Public Hearings
3. Exhibit 3 - Sec. 30-128. - Administrative Adjustments

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: 2025-L2-AA-02

BTR #: _____

Date Application Submitted: 4/7/2025

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:

- | | |
|---|---|
| <input type="checkbox"/> Appeal of Administrative Decision | <input type="checkbox"/> Historic Designation |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Certificate of Appropriateness |
| <input type="checkbox"/> Site Plan Level 1 Modification | <input type="checkbox"/> Zoning Relief |
| <input type="checkbox"/> Site Plan Level 2 Modification | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Conditional Use _____ | <input type="checkbox"/> Right-of-Way Vacation |
| <input type="checkbox"/> Conditional Use Modification _____ | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Administrative Adjustment _____ | <input type="checkbox"/> Payment in Lieu of Parking |
| <input type="checkbox"/> Variance _____ | <input type="checkbox"/> Parking Reduction _____ |
| <input type="checkbox"/> Plat _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Architectural Review _____ | |

Project Name: NEW DUPLEX

Folio Numbers: 494318012620

Street Address: 4628 BOUGAINVILLE DRIVE. LAUDERDALE BY THE SEA. FL. 33308

Legal Description: LOT 8 AND NORTH 1/2" OF LOT 7 IN BLOCK 25, OF LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Name of Property Owner: Leopoldo Espinosa Property Owner's Phone #: _____

Address of Property Owner: 1635 NW 51st Pl. Lauderdale 33309.

Property Owner's Email Address: leopoldo@feAVIACION.COM.AR.

Name of Applicant: Saad remodeling Custom ^{Houses} Applicant's Phone #: (305) 915-5554

Applicant's Address: 18191 NW 68 Ave Ste # 104 Miami Lakes FL 33015

Applicant Email Address: saadremodeling@gmail.com

Name of Agent (e.g. Contractor Representing the Project): Saad Remodeling Custom Houses.

Agent's Email Address: saadremodeling@gmail.com Agent's Phone #: (305) 829-3031
 Agent's Address: 18191 NW 68 Ave Hialeah FL 33015
 Land Use Plan Designation: Queering RM-25 Zoning District: RM-25
 Existing Use of the Subject Property: Single family Residence
 Proposed Use of the Subject Property: DUPlex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

(SAAD) Remodeling (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: Leopoldo Espirasa Date: 3/31/2025

Signature of Property Owner: [Signature]

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Leopoldo Espirasa Date: 3/31/2025

Signature of Property Owner: [Signature]

State of Florida: Fla

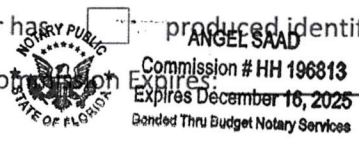
County: Fort Lauderdale Broward

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization, this day 31 of March, 2025

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

Print Notary Name: ANGEL SAAD My Commission Expires: December 16, 2025

Notary Signature: [Signature]



Applicant

Print Name of Property Owner: Leopoldo Espirasa Date: 3/31/2025

Signature of Property Owner: [Signature]

State of Florida: Florida

County: Fort Lauderdale Broward



5/28/2020
Universal Application

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization, this day

March of 31st, 2025

The person signing is personally known to me or has



ANGEL SAAD
Commission # HH 196813
Expires December 16, 2025
Bonded Thru Budget Notary Services

Print Notary Name: Joseph de Espinosa My Commission Expires: _____

Notary Signature: Angel Saad ANGEL SAAD



APPLICATION NUMBER:

APPLICANT NARRATIVE

ADDRESS: 4628 Bougainvilla Drive, Lauderdale by the Sea, FL. 33308

REQUEST: Administrative Adjustment Level #2 – *Side Setback Relief.*

EXPLANATION:

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 will not increase the allowable density; it will provide a lower density than what is allowed by its Zoning Classification. The site has a classification of RM-25 which allows a density of 5 units to be built on this site. The proposed building provides only 2 units on a two-story building.

- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

Applicant response:

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- 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;

APPLICATION NUMBER:

Applicant response:

The administrative adjustment footprint does not encroach on existing site easements nor right-of-way limits.

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 administrative adjustment does not contain an unusual aspect or condition in its development or represent an unusual modification to the natural grade and general site conditions that will require to be compensated for.

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

Applicant Response:

The administrative adjustment supports the objective of the zoning district by complying with the comprehensive and code ordinances such as onsite parking regulations, residential character, open space for green areas, scale, density ratio and overall height.

- 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.

APPLICATION NUMBER:

Applicant response:

- 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 administrative adjustment will not impact in a negative way directly or indirectly with the life and natural flow of the neighborhood as well as general health, safety and welfare.

- 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:

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- 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:

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

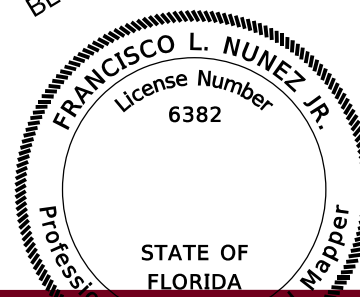
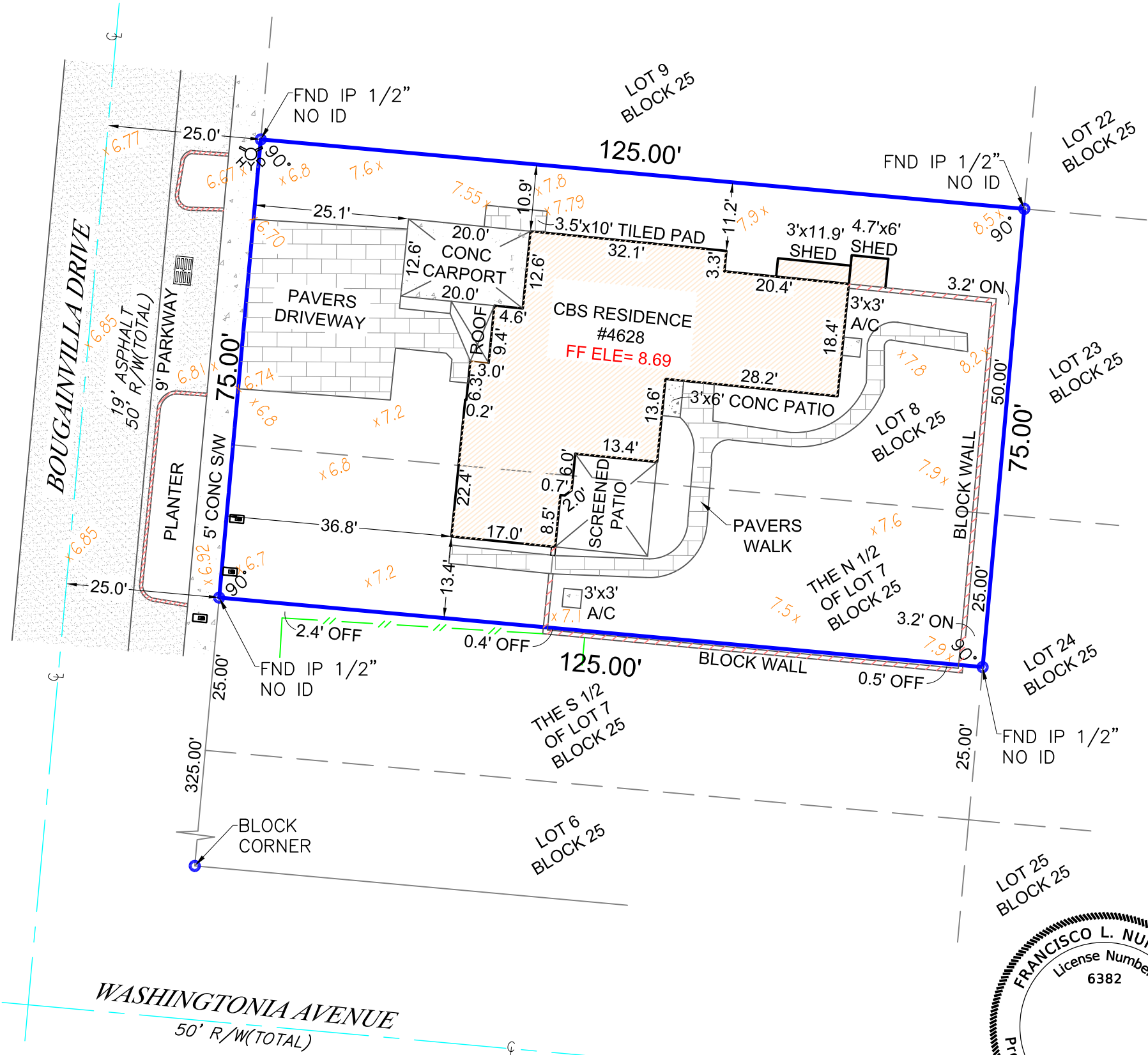
Applicant response:

The administrative adjustment complies with the current comprehensive plan and code ordinances. The project complies with the onsite parking regulations, residential character and style, open space for green - landscape areas, scale, density ratio and overall height.

GENERAL LEGEND:

- A/C = AIR CONDITIONER
- AF = ALUMINUM FENCE
- BCR = BROWARD COUNTY RECORDS
- BM = BENCHMARK
- CB = CATCH BASIN
- CBS = CONCRETE BLOCK STRUCTURE
- CBW = CINDERBLOCK WALL
- CHATT = CHATTAHOOCHEE
- CL = CENTERLINE
- CLF = CHAIN LINK FENCE
- CME = CANAL MAINTENANCE EASEMENT
- CO = CLEAN OUT
- CONC = CONCRETE
- D = DELTA (CENTRAL ANGLE)
- DE = DRAINAGE EASEMENT
- E = EAST
- EB = ELECTRIC BOX
- ELE = ELEVATION
- X 0.00' = ELEVATION
- EOP = EDGE OF PAVEMENT
- EW = EDGE OF WATER
- FDH = FOUND DRILLHOLE
- FF = FINISHED FLOOR
- FH = FIRE HYDRANT
- FN = FOUND NAIL
- FND = FOUND
- FPL = FLORIDA POWER AND LIGHT
- IF = IRON FENCE
- IP = IRON PIPE
- IR = IRON ROD
- INV = INVERT
- L = ARC LENGTH
- LP = LIGHT POLE
- LME = LAKE MAINTENANCE EASEMENT
- N = NORTH
- N/A = NO BASE FLOOD (FOR FLOOD ZONE X)
- N&D = NAIL & DISC
- NO ID = NO IDENTIFICATION
- MF = METAL FENCE
- MH = MAN HOLE
- OH = OVERHEAD CABLES
- OR = OFFICIAL RECORD BOOK
- O/S = OFFSET
- PB = PLAT BOOK
- PBCR = PALM BEACH COUNTY RECORDS
- PC = POINT OF CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- PG = PAGE
- PL = PLANTER
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- P&M = PLAT AND MEASURED
- PP = POOL PUMP
- PRC = POINT OF REVERSE CURVATURE
- PVCF = POLYVINYL CHLORIDE FENCE
- R = RADIUS
- R/W = RIGHT OF WAY
- S = SOUTH
- S/W = SIDEWALK
- SIR = SET 3/4" IRON ROD #6677
- SND = SET NAIL & DISC
- TYP = TYPICAL
- UE = UTILITY EASEMENT
- W = WEST
- WF = WOOD FENCE
- WM = WATER METER
- WV = WATER VALVE

- OVERHEAD CABLES (OH)
- POLYVINYL CHLORIDE FENCE (PVCF)
- CHAIN LINK FENCE (CLF)
- WOOD FENCE (WF)
- METAL FENCE (MF)
- DEGREE SYMBOL
- AT&T BOX
- CATCH BASIN
- CENTERLINE
- LIGHT POLE
- CABLE TV RISER (CA/TV)
- UTILITY
- BOX
- FIRE HYDRANT
- ELECTRIC BOX
- VALVE
- WATER METER
- UTILITY POLE
- SEWER CLEANOUT
- SEWER MANHOLE



LEGAL DESCRIPTION:

LOT 8 AND THE NORTH 1/2 OF LOT 7 IN BLOCK 25, OF LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFICATIONS:
GOOD TIMES 1 INC

SURVEYORS NOTES:

- (1.) ANGLES AS SHOWN ARE REFERENCED TO THE RECORD PLAT AND ARE AS MEASURED.
- (2.) LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
- (3.) NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
- (4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.
- (5.) THERE MAY BE EXISTING RECORDED EASEMENTS CONTAINED IN THE PUBLIC RECORDS NOT DEPICTED HEREON THAT ONLY A THOROUGH TITLE SEARCH WOULD UNCOVER.
- (6.) THE SURVEY PURPOSE IS FOR PERMITTING.
- (7.) ALL FENCE LOCATION SHOWN IS THE CENTER OF THE EXISTING FENCE.
- (8.) ELEVATIONS (IF SHOWN) ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UNLESS OTHERWISE NOTED. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK BM#:3882, ELEVATION = 9.17' (NAVD 1988)

BOUNDARY SURVEY

PROPERTY ADDRESS:
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL 33308

FLOOD ZONE: X	DATE OF SURVEY:	SCALE: 1" = 20'
BASE FLOOD: N/A (N/A)	FIELD LOCATION OF IMPROVEMENTS 04/01/2020	CADD: LJ/DJC
COMMUNITY #: 125123	UPDATE SURVEY ADD ELEVATIONS 03/26/2025	CHECKED BY: FLN
MAP/PANEL #: 12011C0378J		INVOICE #: 25-62747
DATE OF FIRM: 07/31/2024		SHEET # 1 OF 1

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 60, FLORIDA ADMINISTRATIVE CODE.

FRANCISCO L. NUNEZ, PSM., STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER 6382
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ALL COUNTY SURVEYORS

PROFESSIONAL SURVEYORS AND MAPPERS
LICENSE NO. 6677
OFFICE: (954) 777-4747
FAX: (954) 777-2707
5400 SOUTH UNIVERSITY DRIVE
DAVIE, FLORIDA 33328 SUITE 216

SEAL:

Juan B. Ordonez, P.E.
STRUCTURAL ENGINEER
FL. LIC. # 43380

DATE:

NEW DUPLEX PROJECT

owner
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL. 33308

REVISIONS

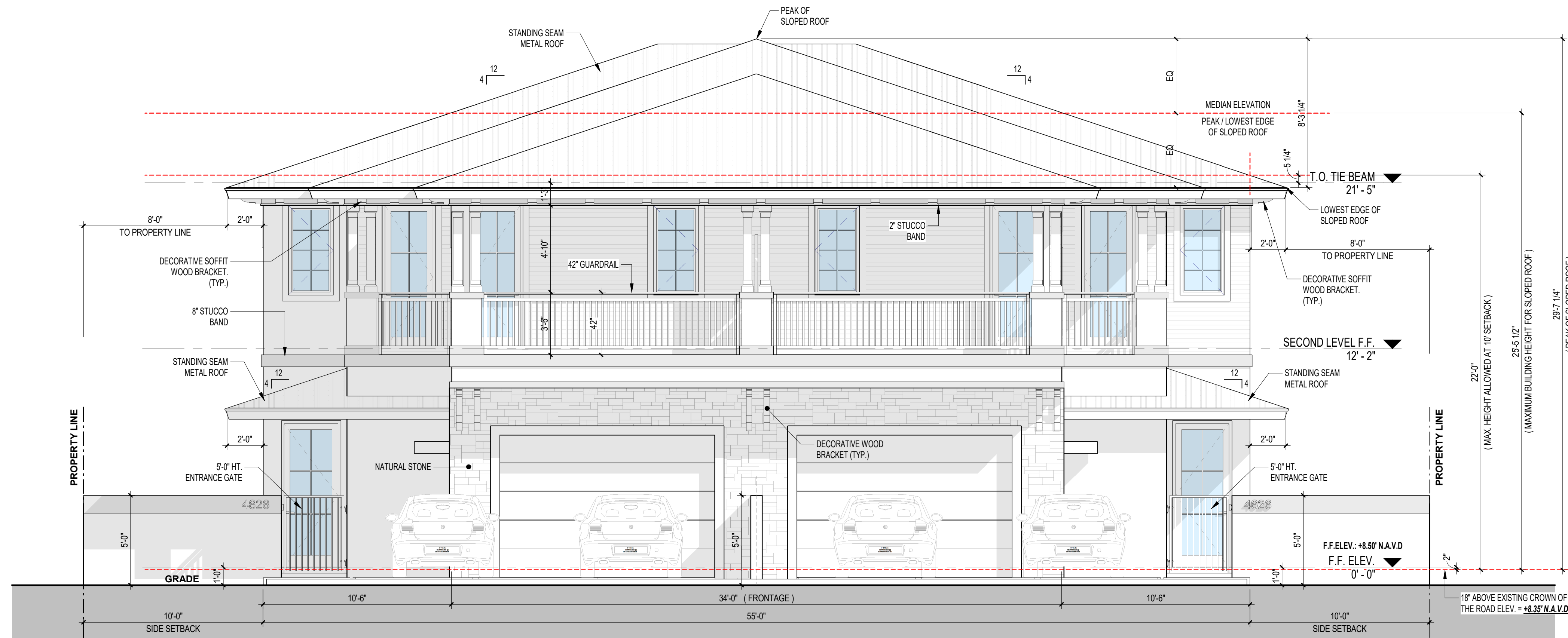
No.	Description	Date

DESIGNED BY: J.F.
DRAWN BY: J.F.
CHECKED BY: J.B.O.
SCALE: AS SHOWN
DATE: 06.17.2025
JOB No: Project Number

Sheet Content
FRONT - REAR ELEVATIONS

Sheet No.

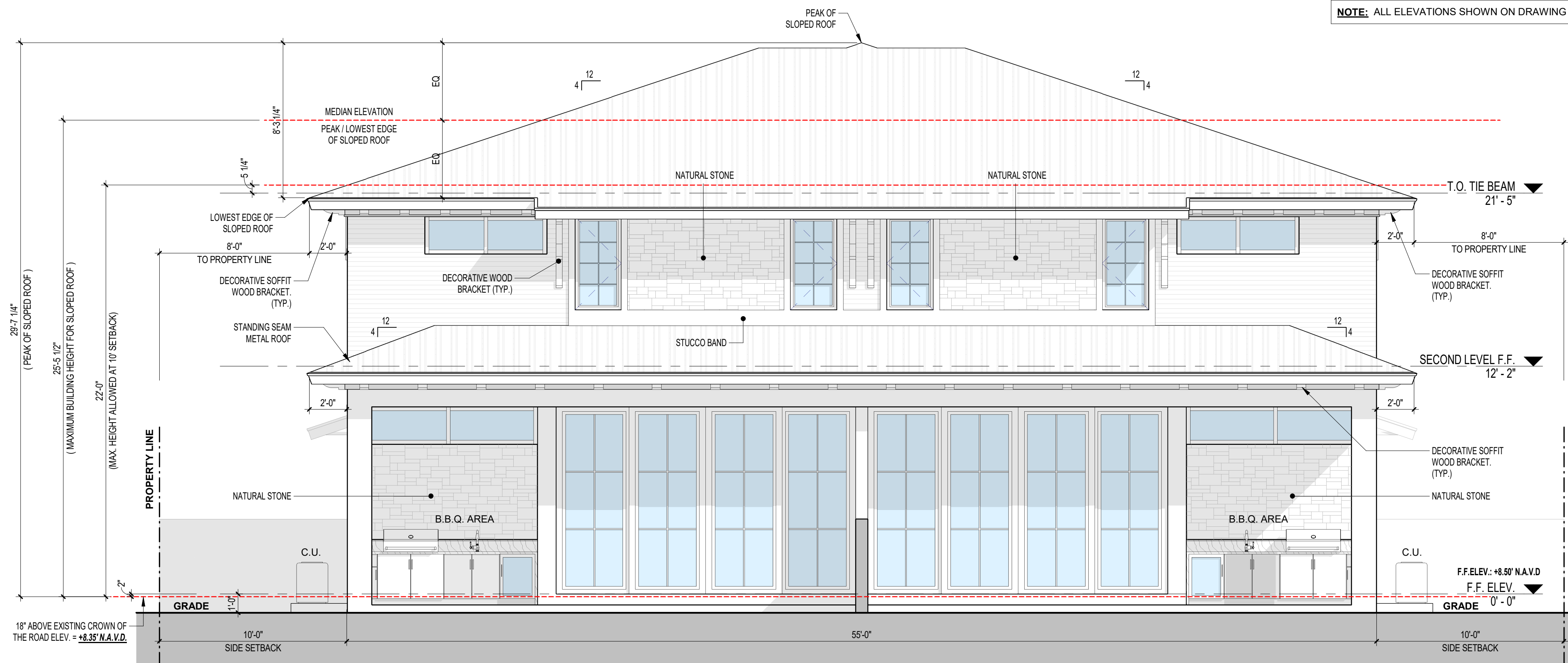
3



2 FRONT ELEVATION (WEST)
3 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.

NOTE: ALL ELEVATIONS SHOWN ON DRAWING ARE N.A.V.D. OF 1988



1 REAR ELEVATION (EAST)
3 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.



FABREGAT
design studio, LLC

JORGE FABREGAT
Ph. 786-506-3815
fabregatdesignstudio@gmail.com

Juan B. Ordonez, P.E.
FL Lic. 43380
STRUCTURAL ENGINEER

15554 SW 113 Street
Miami, Florida 33196
t: 305-401-2051

SEAL:

Juan B. Ordonez, P.E.
STRUCTURAL ENGINEER
FL Lic. # 43380

DATE:

NEW DUPLEX PROJECT
owner

4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL 33308

REVISIONS

No.	Description	Date

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DRAWN BY: J.F.

CHECKED BY: J.B.O.

SCALE: AS SHOWN

DATE: 06.17.2025

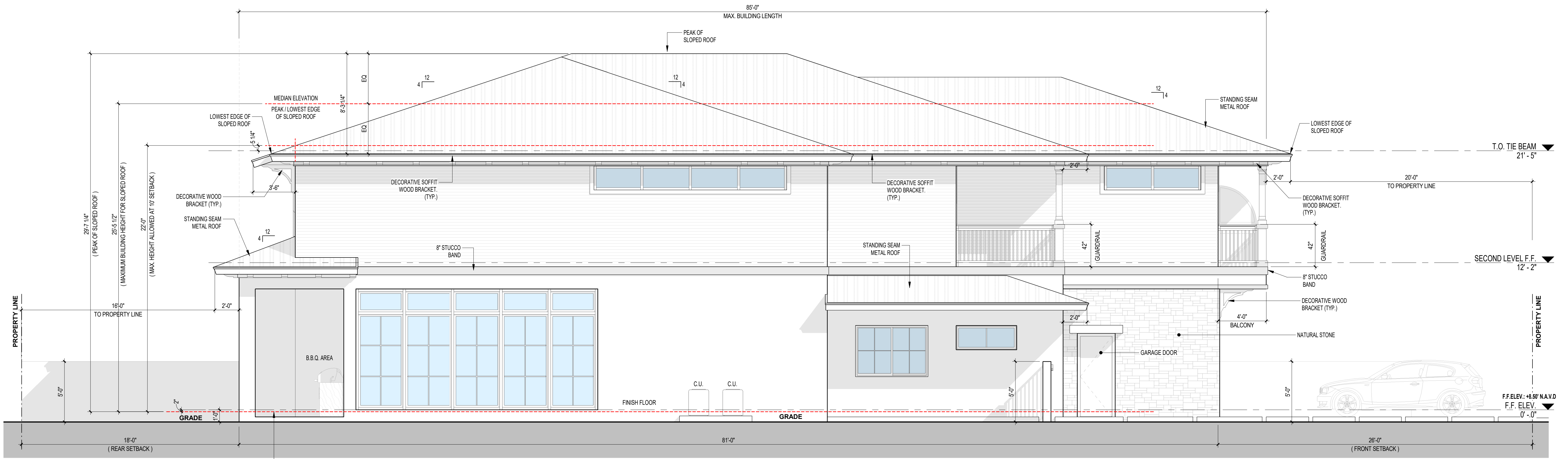
JOB No: Project Number

Sheet Content

SIDE ELEVATIONS

Sheet No.

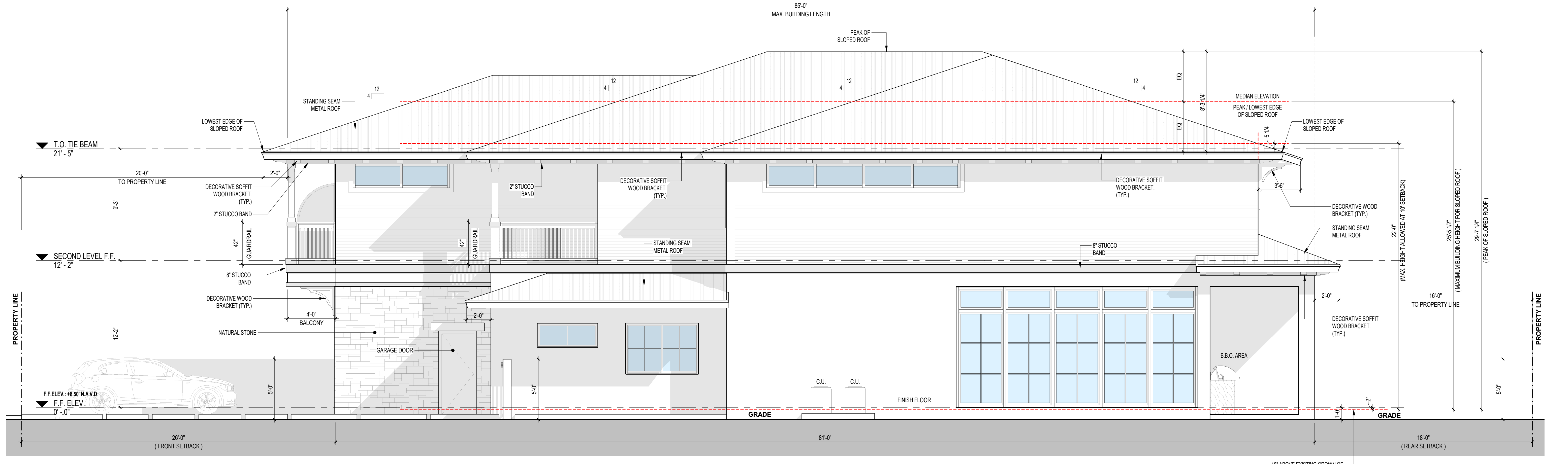
4



1 SIDE ELEVATION (NORTH)
4 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.

NOTE: ALL ELEVATIONS SHOWN ON DRAWING ARE N.A.V.D. OF 1988



2 SIDE ELEVATION (SOUTH)
4 1/4" = 1'-0"

FINISH NOTE:
ALL WINDOW AND GLASS DOOR
FRAMES TO BE WHITE FINISH.



FRONT CORNER PERSPECTIVE



FRONT CORNER PERSPECTIVE.



REAR PERSPECTIVE



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design studio, LLC

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15554 SW 113 Street
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t: 305 401-2051

SEAL:

Juan B. Ordonez, P.E.
STRUCTURAL ENGINEER
FL LIC. # 43380

DATE:

NEW DUPLEX PROJECT

owner
4628 BOUGAINVILLE DRIVE
LAUDERDALE BY THE SEA, FL 33308

REVISIONS

No.	Description	Date

DESIGNED BY: J.F.

DRAWN BY: J.F.

CHECKED BY: J.B.O.

SCALE: AS SHOWN

DATE: 06.17.2025

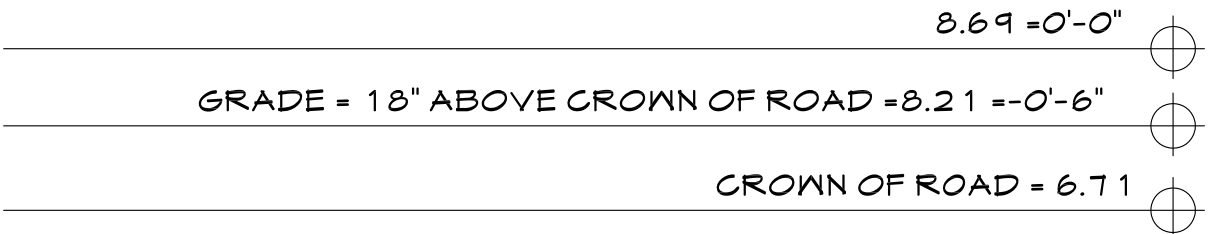
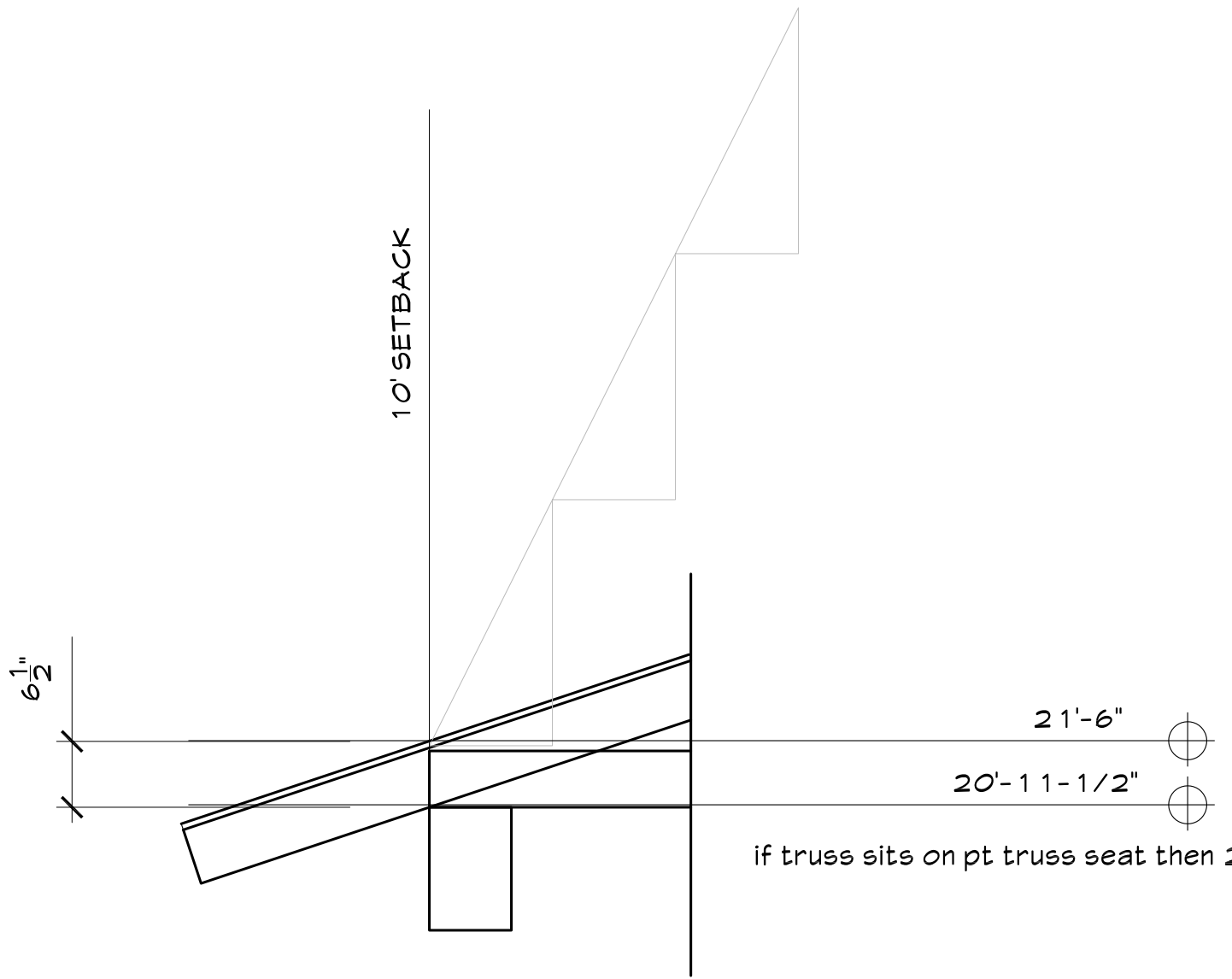
JOB No: Project Number

Sheet Content

3D
PERSPECTIVE

Sheet No.

5



LOWERING OF TIE BEAM TO MEET 10' SETBACK

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 conflict 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		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 prohibited uses within a zoning category	166.041(3) (c) 2	n/a	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
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. 2014-08, § 3, 7-7-2014; Ord. No. 2022-05, § 3, 8-24-2022)

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 Planning and Zoning Board.

(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; Ord. No. 2020-08, § 4, 10-13-2020)