

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, October 14, 2025

6:30 PM



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

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Vice Mayor Randy Strauss
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos

Ken Rubach, Interim Town Manager
Susan Trevarthen, Town Attorney
Courtney Easley, Acting Town Clerk

Regular Town Commission

Tuesday, October 14, 2025, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
 - 7.a. BSO September 2025 Public Safety Report
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
 - 8.b. June 2025 Finance Report
 - 8.c. July 2025 Finance Report
 - 8.d. August 2025 Finance Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
 - 10.a. Approval of minutes for September 2025 Meetings
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
 - 13.a. Consideration of "Similar Use" Determination: Nail Salons in the B-1 Zoning District at 222 E Commercial Blvd
 - 13.b. Discussion on Code Amendments to Support Redevelopment
 - 13.c. Special Event Application: Santa Paws December 2025
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**

18. RESOLUTIONS – PUBLIC COMMENTS

- 18.a.** RESOLUTION 2025-47: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ELECTING TO PERMANENTLY WAIVE THE ABILITY TO SEEK FUNDING FOR COMMUNITY SHUTTLE, THE GRANT MATCH PROGRAM, AND FOR NEW MUNICIPAL CAPITAL PROJECTS FOR THE TERM OF THE 2025 AMENDED AND RESTATED TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER TO WAIVE EXERCISE SUCH WAIVER IN FUTURE YEARS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.
- 18.b.** RESOLUTION 2025-48: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO TEMPORARILY ADJUST THE PARKING FEES AND METER RATES TO SUPPORT ECONOMIC AND SEASONAL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.
- 18.c.** RESOLUTION 2025-49: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH POMPANO BEACH TO REALLOCATE 2023 CHAPTER 175 MONIES FROM POMPANO BEACH TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

19. QUASI JUDICIAL PUBLIC HEARINGS

- 19.a. Request 1:** Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits –Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).

Request 2: Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, “Variances,” the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.

Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments To The Code – Procedures And Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern side yard setback to 10.8

feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

20. 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: 7.a.

Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Chris Sutter, Captain, Broward Sheriff's Office

Submitting Department: Public Safety

Item Type: Public Safety Discussion

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: BSO September 2025 Public Safety Report

Explanation: BSO September 2025 report prepared by Captain Christopher Sutter.

Recommendation: Accept/Approve

Exhibits:

1. TM Report-September 2025



Sheriff Gregory Tony, Ph.D.

Date: October 6, 2025

To: Ken Rubach
Interim Town Manager

From: Captain Christopher Sutter
Commander, Lauderdale by the Sea District

Subject: BSO Public Safety Report- September 2025

PERSONNEL CHANGES:

On September 6th, 2025, Lieutenant Christopher Palamara was transferred to Lauderdale by the Sea as the Executive Officer.

EMPLOYEE OF THE MONTH: Deputy Kyran Ramcharan, CCN 11990

On September 25, 2025, at approximately 3:46 P.M., while patrolling the downtown area, Deputy Ramcharan was flagged down by a female who had just been the victim of an indecent exposure incident. Deputy Ramcharan immediately engaged the complainant, obtained key details, and quickly identified the suspect seated in the Adirondack chairs in Anglin's Square. Through careful on-scene investigation, Deputy Ramcharan determined the suspect was not only intoxicated in a public space, but had also exhibited his sexual organs multiple times to the victim.

Deputy Ramcharan's professional handling of the incident, coupled with his coordination with supporting deputies, ensured a thorough investigation. Deputy Brian Swadkins, CCN 15817, secured a sworn statement from the victim, while Deputy Ramcharan reviewed the town's surveillance footage, which showed the male suspect exhibiting himself in a vulgar manner.

As a result of Deputy Ramcharan's diligence and persistence, the suspect was detained on scene, arrested, and charged with Exposure/Exhibiting Sexual Organ and Disorderly Intoxication. The suspect was processed and transported to the BSO Main Jail for booking, preventing further disturbances in our community.

Deputy Ramcharan's actions highlight his commitment to community safety, his keen investigative skills, and his dedication to upholding the high standards of this agency. His proactive response reassured the victim, safeguarded the public, and reinforced the community's confidence in the Sheriff's Office.

COMMUNITY PROGRAMS AND SERVICES: These ancillary programs and services are available to residents on an ongoing basis.

- **Elder Links:** This program offers referral services to elderly residents and other senior citizens in need of medical and mental health care, meal delivery or other social services.
- **Business and Residential Security Surveys:** The Business and Residential Security Survey program teaches participants to secure their business, home, or condominium to reduce the likelihood of burglary and theft. Security surveys, conducted by a certified law enforcement security specialist, are provided upon request, at no charge to the business owner or resident.
- **Vacation House Watch Program:** Residents who are traveling out-of-town may register for this program. Deputies will conduct periodic checks of their residence until their return.
- **Neighborhood Crime Prevention Program:** The Neighborhood Crime Prevention program liaison organizes and conducts crime prevention and security seminars at the request of neighborhood civic and condominium associations. We will also help facilitate any Neighborhood Crime Watch programs in which the residents wish to participate.
- **Identity Theft and Scam Prevention Program:** The Identity Theft and Scam Prevention program is designed to inform residents about identity theft and how to lessen their chances of becoming a victim of a scam. Residents are informed on the importance of shredding documents, awareness of suspicious individuals, protection of passwords and use of caution in revealing information. Our Shred-A-Thon to reduce identity theft event is incorporated into this program.
- **Enhanced Marine Law Enforcement Patrol Program:** The BSO Marine Patrol Unit participates in the Enhanced Marine Law Enforcement Grant on behalf of Lauderdale-by-the-Sea. This grant allows for additional maritime patrols throughout the Town's waterways and adjacent ocean area.
- **Citizen Observer Patrol (COP) Program:** COP volunteers are local residents who receive public safety training. They are a tremendous asset to the Town of Lauderdale-by-the-Sea. COP members alternate assisting in administrative duties or patrolling local neighborhoods as an extra pair of eyes and ears to supplement deputy sheriff patrols. COP members also attend monthly patrol information and criminal intelligence briefings. A summary of COP statistical activity is included at the end of this report.
- **Sexual Offender Tracking Program:** There are **no** individuals legally classified as a sexual offender residing within Town limits. The sex offender database is routinely checked by BSO to ensure compliance with State of Florida legal mandates. Existing municipal ordinances prohibit persons classified as sexual offenders or sexual predators from residing within Town limits.
- **Bicycle Patrol:** Deputies utilize specialized patrol bicycles to enhance public safety and community outreach. This mode of patrol allows the deputies to interact one-on-one with our residents and visitors. Deputies conducted 0 hours of bike patrol.

- **All-Terrain Vehicle Patrol:** The ATV / Polaris are primarily utilized on the beach areas in order to conduct patrols to deter criminal activity and maintain the security of the beach-area properties. The ATV patrol is instrumental in marine fisheries regulation enforcement and protection. Deputies used the ATV / Polaris for 112 miles and 16.5 hours this month.
- **Crisis Intervention Team / Homeless Outreach Team Programs:** The C.I.T. / H.O.T. program is comprised of specially trained patrol deputies and supervisors who are able to intervene in situations involving persons with mental illness or who are otherwise experiencing mental health crises or are homeless and in need of services. Four (4) individuals were experiencing a mental health crisis. Three (3) were transported to Imperial Point Hospital, and one (1) was transported to Fort Lauderdale Behavioral Health. Two (2) individuals experiencing homelessness were contacted during this period, and both refused services.
- **Automated License Plate Reader Camera System:** The ALPR system installation was completed in October 2014. The system is proving to be an effective tool to Public Safety. ***See Notable Incidents/Arrests below.***
- **e – Alerts:** This information initiative allows Town residents to stay informed, via email or text messages, of important topics such as criminal activity, traffic information, upcoming events, security issues and other important public safety information throughout Broward County and Lauderdale-by-the-Sea. Residents can register for this program through either the Lauderdale-by-the-Sea or the Broward Sheriff's Office internet website @ www.sheriff.org.
- **Electronic Message Board:** The BSO Lauderdale-by-the-Sea district continues to utilize the electronic traffic safety message board at various locations within the Town. This allows the district to alert residents about any traffic problems and other important public safety issues impacting them.
- **SaferWatch:** SaferWatch is an application (app) that gives citizens the power to record or report non-emergency incidents as they happen. It provides another option to the "If you see something, say something" message and allows individuals that "If you see something, SEND something" via a mobile application (app) from your smartphone.
- **TWITTER:** The Broward Sheriff's Office has provided an official Twitter account to Captain Sutter to provide information to the public via social media. Follow us @BSOLBTS.

SPECIAL EVENTS: These events required the participation of the BSO LBTS district.

On September 13th, 2025, Captain Sutter and Lieutenant Palamara participated in a Coffee with a Cop event during the town's grand opening of the Friedt Park Playground. The event was also attended by all the members of the town commission. The event was well attended as residents and children enjoyed the opening of the newly redesigned playground.

NOTABLE INCIDENTS / ARRESTS:

CASE: 13-2509-000002 (Deputy Pitulan)

DATE/TIME: 09/01/25, (0320 Hours)

LOCATION: Pine Av/N Ocean Dr.

ARRESTEE: SPENCER GRANT WILSON (W/M 12/13/2000)

VICTIM: State of Florida

VEHICLE: 2017 White VW FL tag# FBCQ44

INCIDENT: **DUI**

SUMMARY: Deputy Pitulan conducted a traffic stop on the above vehicle for speeding while traveling on N Ocean Drive and Datura Avenue. The driver was determined to be driving under the influence of alcohol. Deputy Faccini from the DUI task force responded, and the individual was arrested for DUI and transported to the main jail for booking. The vehicle was towed by Sal's Towing.

CASE: 13-2509-000049 (Deputy Pitulan)

DATE/TIME: 9/02/25 @ 2030 hours

LOCATION: 4343 N Ocean Dr (Burger Fi)

REPORTTEE: ALI TASEEF (B/M 1/20/90)

VICTIM: B/M (06/04/92)

OFFENDER: ROBERT FERRIERI (W/M 6/23/84)

VEHICLE: 2008 white Ford SUV FL tag# BM97DZ

INCIDENT: **Criminal Mischief**

SUMMARY: FERRIERI parked his vehicle behind Burger-Fi while he was at the beach. Upon return, his vehicle had a boot on one of the wheels, which was placed by D&G Towing . FERRIERI called the Victim to remove the boot. However, before ALI TASEEF (the victim's representative) arrived, FERRIERI damaged and removed the boot using a hammer and then left the scene. TASEEF called FERRIERI back, and he returned to pay for the damaged boot. FERRIERI did not have all the money (Approx. value of boot is \$434.58), and the Victim decided to prosecute. FERRIERI was placed into custody and was transported to the BSO Main Jail for booking. BWC

CASE: 13-2509-000593 (Deputy Quinones)

DATE/TIME: 07/10/2025 to 08/10/2025 (unknown date)

LOCATION: 4328 N Ocean Dr

VICTIM: W/F (09/03/1998)

ARRESTEE: B/M Antoine Mathews (4/26/1999)

INCIDENT: **Domestic Battery/False Imprisonment/Robbery**

SUMMARY: On September 10th, 2025, the victim reported a delayed domestic incident that occurred sometime between July 10th and August 10th, after she moved to Florida from Maryland and rented a room at the listed address in LBTS. During the incident, the suspect (MATHEWS) struck the victim in her cheek and attempted to strangle her. As the victim was attempting to call 911, MATHEWS snatched the phone out of her hand and blocked her from leaving the room. At an unknown date in August to September, the couple was involved in another incident in the city of Pompano Beach, where MATHEWS threatened the victim with a handgun. On September 10th, 2025, MATHEWS was located in Pompano Beach and arrested.

CASE: 13-2509-000596 (Dep. Pitulan)
DATE/TIME: 09/10/2025 @ 1853 hrs.
LOCATION: 106 Commercial Blvd.
VICTIM: State of Florida
ARRESTEE: W/M Hamza Yasein (3-22-95)
INCIDENT: **Misdemeanor Warrant**
SUMMARY: Deputies responded to a disturbance call with the subject yielding a weapon while walking along the sidewalk. Contact was made with Hamza Yasein, who matched the description given, but was not found in possession of any weapons. Upon a teletype check, the subject was confirmed to have a misdemeanor warrant for battery. Transported to the main jail.

CASE: 13-2509-001035 (Deputy Roach)
DATE/TIME: 9/18/25 22:10
LOCATION: 238 Commercial Blvd
VICTIM: Pedritos Bike Shop
INCIDENT: **Burglary Business**
SUMMARY: Deputies responded to the location mentioned above following a call from Julia Matthews, a nearby resident, reporting that the business's door had been broken and someone might be inside. A perimeter was established with the assistance of Pompano deputies, and a K-9 unit was requested. Upon arrival, it was confirmed that the front door window had been shattered. The K-9 and deputies searched the interior and found no one there. The cash register drawer was open, containing only coins. There were no surveillance cameras inside or outside the front of the business. Julia stated that she heard movement from her nearby apartment, checked, and saw the smashed door but did not see the offender. Without any suspect information, the perimeter was discontinued. The business owner, Mary Hernandez, was contacted and arrived at the scene. She confirmed that \$1,900 in cash had been stolen from the register.

CASE: 13-2509-001070 (Deputy Bickel)
DATE/TIME: 9/19/25 12:15
LOCATION: 1461 S Ocean Blvd #330
VICTIM: W/M (4-15-1989)
INCIDENT: **Fraud**
SUMMARY: The victim reported that he received a notification of a charge to his bank account of \$27,318.27, processed and sent to the DuPage County, IL, Tax Collector's office for the purchase of a parcel. The victim advised that he had not purchased any parcels in IL and contacted the Tax Collector's Office, who froze the transaction pending a "charge back" from the victim's bank.

CASE: 13-2509-001112 (Deputy Swadkins)
DATE/TIME: 9/20/2025 07:22
LOCATION: 4117 Bougainvilla Dr
VICTIM: W/F (5/18/1963)
REPORTTEE: Daniel Oliviero (9-13-85)
INCIDENT: **Fraud**
SUMMARY: The reportee advised that his mother was currently admitted to the hospital, and he checked her phone and found that she had been sending money (\$3000) and a phone to an unknown "friend" she met on Facebook and had been messaging via a Google Chat app. The reportee believes his mother is being scammed by this person via a "Love Scam".

CASE: 13-2509-001308 (Dep. Hopkins)
DATE/TIME: 09/24/2025 @ 0736 hrs.
LOCATION: 1940 Blue Water Ter S
INCIDENT: Occupied Burglary / Auto Theft
VEHICLE: Blue Mercedes Florida dealer tag PL335I
VICTIM: W/M DOB 9/20/70

INCIDENT: Burglary Residence / Auto Theft

SUMMARY: Deputy Hopkins contacted the victim, who stated that an unknown person entered his residence while he was sleeping and stole the key fobs for his Mercedes and Porsche Cayenne, which were parked in his driveway. The suspect took the Mercedes and fled the area. The Mercedes had a bag in the back seat containing medication and a Taurus 38 caliber revolver. There was no forced entry into the residence. The vehicle was entered into the system as stolen. Video surveillance from a neighboring residence captured the suspects arriving in a dark gray sedan. The suspects entered the victim's unlocked vehicle and were then able to open the garage to the residence, possibly using the victim's garage door opener in the vehicle. CSA Anderson processed the scene and collected DNA swabs. LBS CI responded, and the Burglary Apprehension Team (BAT) was notified, who is working on the case.

Update: The vehicle was later located abandoned at a townhouse community, located 3521 NW 111th Ter., Sunrise, FL. District Detective Koos responded to the scene to recover the vehicle. CSA Anderson also responded to process the vehicle for evidence.

CASE: 13-2509-001409 (Dep. Ramcharan)
DATE/TIME: 09/25/2025 @ 1540 hrs.
LOCATION: 4440 El Mar Drive
VICTIM: B/F

ARRESTEE: David Godumski (W/M 05/02/82)
INCIDENT: Indecent Exposure / Disorderly Intoxication

SUMMARY: The arrestee was seated in the public resting area of the Downtown District of Lauderdale-By-The-Sea while drinking a bottle of vodka. While sitting there, he repeatedly pulled out his private parts from beneath his shorts, but while still covered by his underwear. The arrestee then repeatedly grabbed his private parts in a vulgar manner in the presence of the victim, who reported the incident to Law Enforcement. The entire event was recorded on town cameras and uploaded as evidence. The offender's speech was slurred, and he was unsteady on his feet due to the vodka he had consumed. He was charged with indecent exposure and disorderly intoxication and transported to the main jail.

CASE: 13-2509-001660 (Deputy Barnett)
DATE/TIME: 9/29/25 1800 hours
LOCATION: 1936 Waters Edge (Bel Air)
REPORTEE: W/M 12/13/52
DRIVER: Robert Nolan 10/31/62
VEHICLE: 2023 Golf Cart FL Tag LKG Y04
INCIDENT: Hit & Run with Property Damage

SUMMARY: Deputy Barnett responded to 2001 Waters Edge to take a report of a hit-and-run. The victim stated he was walking his dog on a leash a few houses down from his residence when a male hit his dog with a golf cart and drove off. William said his dog had a broken rear leg and possibly other injuries. The dog was currently at the emergency animal hospital. William provided a tag number for the golf cart: LKG Y04. The tag was registered to Robert Nolan at 1431 S Ocean Blvd. Deputy Barnett contacted Robert Nolan, who admitted to being the owner and driver of the golf cart and issued him a criminal citation for leaving the scene of an accident with property damage. A crash report was also generated.

MONTHLY ARREST LOGS:

Misd/Fel	Charge	Street	Case Number
Misd	DUI	Pine Ave/N Ocean Dr	13-2509-000002
Misd	Criminal Mischief	4343 N Ocean Dr	13-2509-000049
Fel	Robbery/Kidnap/False Imprisonment (DV)	4328 N Ocean Dr	13-2509-000593
Misd	Warrant	114 Commercial Blvd	13-2509-000596
Misd	Indecent Exposure	4440 El Mar Dr	13-2509-001409

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2024 YTD	2025 YTD
AUTO THEFT	1	0	6	12
BURGLARY-BUSINESS	1	1	2	2
BURGLARY-CONVEYANCE	0	0	14	6
BURGLARY-RESIDENCE	1	1	2	5
BURGLARY-STRUCTURE	0	0	0	2
FORCIBLE SEX	0	0	1	2
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	0	0	3	1
HOMICIDE	0	0	0	0
ROBBERY	1	0	2	3
THEFT-GRAND	0	0	16	7
THEFT-PETIT	0	1	38	22
TOTALS	4	2	84	62

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	28
COP Hours Worked - Month	36.25
COP Patrol Miles - Month	220
COP Hours Worked - YTD	789
COP Patrol Miles - YTD	2487

COP Bike Patrol Hours - Month	0
COP Bike Patrol Hours - YTD	22

COP Beach Patrol Hours – Month	4.5
COP Beach Patrol Hours - YTD	94

RESERVE DEPUTY ASSISTANCE: Reserve Deputies are part-time, fully sworn deputies who provide supplemental staffing to LBTS, when available, at NO cost to the Town.

	Month	2025 YTD
Reserve Deputy - Days Worked	4	61
Reserve Deputy - Hours Worked	29	450.5

MONTHLY STAFFING AND STATISTICAL REPORT:

The September 2025 Monthly Staffing and Statistical Report is attached.

				
MONTHLY STAFFING AND STATISTICAL REPORT LAUDERDALE-BY-SEA DISTRICT September 30, 2025				
CURRENT STAFFING ALLOCATIONS				
Position	Budgeted Positions	Actual Positions	Vacant Positions	
District Chief	1	1		
Executive Lieutenant	1	1		
Sergeant	4	4		
Deputy Sheriff	19	19		
Community Service Aide	1	1		
Administrative Specialist	1	1		
Clerical Specialist (P/T)	1	1		
TOTAL	28	28	0	

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.				
Name	CCN	Status	Circumstances	
Lt. Christopher Palamara	15666	Assigned to D13 (LBTS)	Transferred in from D7 (Tamarac)	
Sergeant Luis Rivera	12590	Light Duty	Medical	
Sergeant James Ramirez	11199	Sick Leave	Medical	
Deputy Claudio Reis	16605	FMLA	FMLA Family	

DETACHED PERSONNEL / LOCATION				
Name	CCN	Detached to	Reason	Hours
			TOTAL	0



Lauderdale by the Sea

Monthly Activity

September 2025

Reports/Calls	
Miscellaneous Service	
Event Reports	26
Accidents	10
Calls for Service	1,721

Traffic	
Types of Citation	
Non-Moving / Moving Citation	93
Parking	0
Warnings	186
DUI	0
Total Citations	279

Arrests	
Type of Arrest	
Felony	1
Misdemeanor	2
Warrant (Felony)	0
Warrant (Misd.)	1
DUI (Misdemeanor)	1
NIC (Felony)	0
NIC (Misdemeanor)	0
DV (Felony)	0
DV (Misd.)	0
Total Arrests	5

Time Worked	
Hours Worked	
Bike Patrol	0
Court Overtime	12
Training Hours	56
Detached	0
Other Overtime	276
Days Worked	30

General	
FI	1
Truant	0
Truant Debriefed	0
Elder Link	0

Narrative
ATV/UTV: 112 Miles / 16.5 Hours
Reserve Deputies worked 4 shifts (29 hrs)



Agenda Item No: 8.a.

Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Ken Rubach, Interim Town Manager

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation: Boo! By-The-Sea Event

Our next Town event is the beloved Boo! By The Sea. Hosted in the West Plaza District just as you come over the Commercial Bridge, we invite all of our residents and neighbors to come enjoy a day of spooky holiday fun. Designed for kids 11 and under, the event features a tour of interactive games, photo opportunities, and activities, as well as other family-friendly entertainers. Costumes and smiles are strongly encouraged.

This year's event is Saturday, October 25th from 10:00 a.m. to 1:00 p.m.

We look forward to celebrating with everyone!

Circuit Payment Update

Circuit is launching a new feature in its app for payment that includes Apple Pay and Google Pay integrations for seamless checkout in a new wallet interface. These options can be used as default payment methods for fares and driver tips, accessible at any time from the left side menu or during payment confirmation. As always, users can forgo these new options and use a specific card as their default payment method.

P3 Solicitation

The Request for Proposals for additional P3 submissions was released on Monday, October 6th. This will be advertised for 21 days with a deadline of Monday, October 27th. Staff anticipates bringing forward an initial agenda item for discussion on the 28th, with subsequent meetings should we receive additional proposals.

Parking Rate Modifications Pilot

In order to encourage more visitors to our downtown area during the offseason, staff is

evaluating a pilot program that would reduce rates from Monday-Thursday from 6am-10am and 3pm-7pm to \$2.50/hr from \$4.00/hr through November 30th. This early bird/happy hour parking special is designed to generate more traffic during these times when our businesses are experiencing a lull in customers. Staff would also advertise these "specials" through our social media channels. We are thrilled to help support our local businesses prior to the start of the season. Staff is seeking consensus to move forward with this program.

Upcoming Meetings

- Code Compliance Hearing- Thursday, October 23rd at 5:00pm
- Planning and Zoning Board Meeting- Wednesday, November 5th at 6:00pm
- Beach Portal Entrance Public Input Meeting- Tuesday, November 18th at 5:00pm
- Commission Meeting- Tuesday, November 18th at 6:30pm

Recommendation:

Exhibits: None



Agenda Item No: 8.b.

Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: June 2025 Finance Report

Explanation: Presented is the June 2025 financial report which consists of the attached Revenue/Expenditure Report and the Cash & Investment Report. At the end of June, the Town was 75% through the fiscal year.

Recommendation: N/A

Exhibits:

1. June 2025 Finance Report
2. Revenue_Expenditure Report June 2025
3. Cash Investment Report-June 2025

The following is a summary of the operating results through 6/30/25:

Fund	Annual Budget	Budgeted Appropriations	Budgeted Revenues		YTD Revenues		YTD Expenditures		Net Amount
			Excluding Appropriations		Amount	% of Budget	Amount	% of Budget	
General Fund	\$ 17,731,012.00		\$ 17,731,012.00		\$ 16,985,604.42	95.80%	\$ 12,594,679.65	71.03%	\$ 4,390,924.77
Building Fund	\$ 1,728,121.00	\$ 275,102.00	\$ 1,453,019.00		\$ 1,008,082.31	69.38%	\$ 664,627.01	45.74%	\$ 343,455.30
Sewer Fund	\$ 1,710,480.00	\$ 8,480.00	\$ 1,702,000.00		\$ 715,765.98	42.05%	\$ 826,016.90	48.53%	\$ (110,250.92)
Fire Fund	\$ 2,024,159.00	\$ 600,000.00	\$ 1,424,159.00		\$ 2,222,133.92	156.03%	\$ 930,884.80	65.36%	\$ 1,291,249.12
Capital Fund	\$ 4,052,000.00	\$ 615,000.00	\$ 3,437,000.00		\$ 1,493,500.00	43.45%	\$ 1,197,556.32	29.55%	\$ 295,943.68
Parking Fund	\$ 3,319,784.00	\$ 40,000.00	\$ 3,279,784.00		\$ 3,175,555.56	96.82%	\$ 1,594,217.26	48.02%	\$ 1,581,338.30
Grand Total	\$ 30,565,556.00	\$ 1,538,582.00	\$ 29,026,974.00		\$ 25,600,642.19		\$ 17,807,981.94		\$ 7,792,660.25

Notable items this month are as follows:

General Fund:

- Through the month June, the Town has received a total of \$13,450,618.36 or 99.28% of Ad Valorem Property Taxes of budgeted amount. (See table below).
- Overall General Fund revenues and expenditures are within budget.

June REPORT INFORMATION					
Collection Rates	2021	2022	2023	2024	2025
November	24.52%	22.87%	22.43%	23.56%	20.53%
December	83.41%	85.70%	84.17%	83.76%	82.38%
January	87.04%	89.34%	87.32%	86.22%	85.90%
February	90.85%	92.91%	91.31%	90.48%	89.92%
March	92.83%	94.68%	93.10%	92.82%	92.41%
April	97.64%	98.37%	96.88%	96.91%	96.84%
May	98.85%	99.10%	97.86%	98.17%	97.98%
June	100.17%	99.54%	98.89%	99.20%	99.28%
July	101.51%	101.25%	101.23%	101.56%	

Building Fund:

- Building Permit Fees are within budget at 68.44%.
- Fund expenditures correlate with the revenues and through this period CAP has billed the Town for 5 months of their services, bringing Building Permit Services to 33.14%.

Sewer Fund:

- Sewer Fund revenues are slightly below the budgeted amount at 42.10%; expenses are within budget.

Fire Fund:

- Through the month of June, the Town has received a total of \$1,346,781.71 or 99.97% of Property Tax-Fire Assessment of budgeted amount. Expenditures are within budget.

Capital Project Fund:

- Activity for the month of June for capital projects is displayed in the chart below.

JUNE, 2025 REPORT INFORMATION					
<u>CIP Projects</u>	<u>Budget</u>	<u>YTD Expenditures</u>	<u>June Expenditures</u>	<u>% Completion</u>	<u>Comments</u>
Town Hall/Public Safety	\$ 500,000.00	\$ -	\$ -	0.00%	
El Prado Park	\$ 775,000.00	\$ 33,189.65	\$ 3,270.00	4.28%	Payment made to Hitchcock Design, Inc.
Storm Water Rate Study	\$ 125,000.00	\$ -	\$ -	0.00%	No activity for the month.
Beach Portal	\$ 50,000.00	\$ -	\$ -	0.00%	No activity for the month.
FDOT A1A Pine Avenue to Palm Aire	\$ 255,000.00	\$ 244,045.00	\$ -	95.70%	No activity for the month.
Tennis Court Lighting	\$ 45,000.00	\$ 31,677.90	\$ -	70.40%	No activity for the month.
Beach Renourishment	\$ 116,667.00	\$ 135,644.61	\$ 12,330.74	116.27%	Project complete.
Staghorn Coral Painting	\$ -	\$ 9,097.66	\$ -	100.00%	Project complete.
Traffic Improvements & Calming	\$ 150,000.00	\$ 23,468.12	\$ 1,519.00	15.65%	Payment made to First Sign Corp.
Pedestrian Amenities	\$ 75,000.00	\$ 45,722.85	\$ -	60.96%	No activity for the month.
Street Project-Bougainvillea/Poinciana	\$ 225,000.00	\$ -	\$ -	0.00%	No activity for the month.
Roadway Paving & Refurbishment	\$ 483,691.00	\$ 79,525.63	\$ 24,852.50	16.44%	Payment made to Earth Surfaces of America, Inc.
Resilient Florida Program	\$ 200,000.00	\$ 19,884.00	\$ 19,884.00	9.94%	Payment made to Baxter & Woodman, Inc.
Friedt Park	\$ 725,000.00	\$ 391,625.00	\$ 6,970.32	54.02%	Payment made to Paradise Service Technologies
75th Anniversary Garden	\$ 100,000.00	\$ 9,942.00	\$ -	9.94%	No activity for the month.
Totals:	\$ 3,825,358.00	\$ 1,023,822.42	\$ 68,826.56		

Parking Fund:

- Parking revenues are 95.66% of the budgeted amount. As shown in the chart below, revenues for the month of June were up 28.62% when compared to June 2024.
- Expenses are within expectations.

The chart below shows a breakdown of revenue by lots:

June, 2025		
	<u>FY2025</u>	<u>Difference from Prior Year</u>
South Ocean	\$ 23,420.13	\$ 4,976.71
Ocean Front Meters	\$ 51,706.65	\$ 10,520.48
Commercial Blvd. Meters	\$ 12,686.53	\$ 4,993.83
Parking Meters-Beach	\$ 21,395.67	\$ 5,195.11
Palm Portal-FDG	\$ 15,220.77	\$ 3,404.77
El Prado Parking Lot	\$ 48,612.95	\$ 11,731.55
Town Hall Parking Lot	\$ 2,697.57	\$ 1,272.85
El Mar Parking Lot	\$ 25,613.84	\$ 3,994.00
A1A Parking Lot	\$ 50,825.24	\$ 8,355.61
Bougainvilla/Poinciana	\$ 24,698.17	\$ 7,172.74
Monthly Total: \$ 276,877.52		
<i>Difference from last year \$:</i> \$		61,617.65
<i>Difference from last year %:</i>		28.62%
Additional Parking Income:		
<i>Parking Permits</i>	\$ 3,411.21	
<i>Parking Fines</i>	\$ 23,826.79	
GRAND TOTAL:	\$ 304,115.52	

The top producing lots for the month of June were:

1. Ocean Front Meters
2. A1A Parking Lot
3. El Prado Parking Lot
4. El Mar Parking Lot



Lauderdale-By-The-Sea, FL

Budget Report Account Summary

For Fiscal: 2024-2025 Period Ending: 06/30/2025

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
Department: 000000 - Assigned						
001-000000-380200 Appropriated Fund Balance	0.00	88,256.00	0.00	0.00	-88,256.00	0.00 %
Department: 000000 - Assigned Total:	0.00	88,256.00	0.00	0.00	-88,256.00	0.00%
Department: 301000 - Ad Valorem Property Taxes						
001-301000-311100 Ad Valorem Property Taxes	13,548,619.00	13,548,619.00	176,151.70	13,450,618.36	-98,000.64	99.28 %
Department: 301000 - Ad Valorem Property Taxes Total:	13,548,619.00	13,548,619.00	176,151.70	13,450,618.36	-98,000.64	99.28%
Department: 301100 - Utility Taxes						
001-301100-311101 Fpl Utility Tax	986,700.00	986,700.00	96,396.45	712,072.84	-274,627.16	72.17 %
001-301100-311440 Gas Utility Tax	23,000.00	23,000.00	2,142.24	15,575.70	-7,424.30	67.72 %
001-301100-314300 Water Utility Tax	189,000.00	189,000.00	7,344.82	139,653.27	-49,346.73	73.89 %
Department: 301100 - Utility Taxes Total:	1,198,700.00	1,198,700.00	105,883.51	867,301.81	-331,398.19	72.35%
Department: 301600 - Franchise Taxes						
001-301600-313100 Fl Power & Light Franchise	670,000.00	670,000.00	56,169.92	482,181.24	-187,818.76	71.97 %
001-301600-313300 Waste Franchise Collection	161,999.00	161,999.00	10,909.05	98,051.47	-63,947.53	60.53 %
001-301600-313301 Waste Franchise Adm-fee	9,000.00	9,000.00	0.00	0.00	-9,000.00	0.00 %
001-301600-313400 Gas Franchise	23,000.00	23,000.00	2,178.76	18,711.15	-4,288.85	81.35 %
001-301600-313600 Towing Franchise Fees	800.00	800.00	0.00	0.00	-800.00	0.00 %
Department: 301600 - Franchise Taxes Total:	864,799.00	864,799.00	69,257.73	598,943.86	-265,855.14	69.26%
Department: 302000 - Licenses & Permits						
001-302000-321100 Business License Taxes	100,000.00	100,000.00	3,545.99	92,223.99	-7,776.01	92.22 %
001-302000-321110 Sidewalk Cafe Row	85,000.00	139,000.00	1,440.00	123,360.00	-15,640.00	88.75 %
001-302000-322150 Miscellaneous Permits	700.00	700.00	0.00	135.00	-565.00	19.29 %
001-302000-322250 Development Services Applications	1,000.00	1,000.00	200.00	355.00	-645.00	35.50 %
001-302000-322400 Sign Permits	500.00	500.00	50.00	700.00	200.00	140.00 %
Department: 302000 - Licenses & Permits Total:	187,200.00	241,200.00	5,235.99	216,773.99	-24,426.01	89.87%
Department: 303000 - Intergovernmental Revenues						
001-303000-311120 Municipal Revenue Sharing	185,000.00	185,000.00	15,680.32	144,343.13	-40,656.87	78.02 %
001-303000-311150 Alcoholic Beverage License	17,000.00	17,000.00	0.00	15,642.12	-1,357.88	92.01 %
001-303000-311180 Sales Tax	525,000.00	525,000.00	41,142.86	284,331.83	-240,668.17	54.16 %
001-303000-312410 Local Op Gas Tax 1 - 6 Cent	67,500.00	103,347.00	21,996.82	171,948.61	68,601.61	166.38 %
001-303000-312420 Local Op Gas Tax 2 - 5 Cent	48,000.00	53,512.00	5,083.90	43,454.44	-10,057.56	81.21 %
001-303000-315100 Communication Service Tax	327,000.00	327,000.00	23,818.91	230,207.42	-96,792.58	70.40 %
001-303000-334915 Fdot-reimbursable Grant	34,384.00	34,384.00	0.00	36,475.92	2,091.92	106.08 %
Department: 303000 - Intergovernmental Revenues Total:	1,203,884.00	1,245,243.00	107,722.81	926,403.47	-318,839.53	74.40%
Department: 304000 - Charges for Services						
001-304000-343902 Site Plan Application Fees	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
001-304000-347500 Tennis - Shuffle Key	5,250.00	5,250.00	0.00	12,240.00	6,990.00	233.14 %
Department: 304000 - Charges for Services Total:	7,250.00	7,250.00	0.00	12,240.00	4,990.00	168.83%
Department: 305000 - Fines & Forfeitures						
001-305000-354150 Fines,trafficviolation,citatio	30,000.00	30,000.00	1,725.10	21,964.66	-8,035.34	73.22 %
001-305000-354160 Code Enforcement Fines	55,000.00	55,000.00	2,438.00	34,710.30	-20,289.70	63.11 %
001-305000-359100 Other Fines & Alarms	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
Department: 305000 - Fines & Forfeitures Total:	87,000.00	87,000.00	4,163.10	56,674.96	-30,325.04	65.14%
Department: 306000 - Miscellaneous Revenues						
001-306000-361100 Interest Earnings	112,335.00	654,355.00	66,229.41	521,861.95	-132,493.05	79.75 %
001-306000-362000 Rent/lease Royalties	129,675.00	132,275.00	11,025.00	99,200.00	-33,075.00	75.00 %
001-306000-365400 Recycling Revenue	5,000.00	5,000.00	0.00	0.00	-5,000.00	0.00 %
001-306000-366100 Donations	13,500.00	13,500.00	0.00	2,000.00	-11,500.00	14.81 %
001-306000-369100 Miscellaneous Revenues	75,050.00	75,050.00	7,488.63	57,778.44	-17,271.56	76.99 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-306000-369200	Miscellaneous Applications	5,000.00	13,795.00	1,285.00	13,525.00	-270.00	98.04 %
001-306000-369201	Miscellaneous Merchandisesales	5,000.00	5,000.00	0.00	3,767.59	-1,232.41	75.35 %
001-306000-369250	Recreational Activities Fee	17,500.00	17,500.00	645.00	20,420.00	2,920.00	116.69 %
001-306000-369500	miscellaneous Lobbyist	500.00	500.00	0.00	500.00	0.00	100.00 %
001-306000-369901	Insurance Reimbursement	20,000.00	20,000.00	4,070.00	12,594.99	-7,405.01	62.97 %
Department: 306000 - Miscellaneous Revenues Total:		383,560.00	936,975.00	90,743.04	731,647.97	-205,327.03	78.09%
Department: 511000 - Commission							
001-511000-500110	Commission Salaries	135,000.00	135,000.00	10,000.85	92,668.29	42,331.71	68.64 %
001-511000-500210	Employer Fica Taxes	10,450.00	10,450.00	529.90	4,879.34	5,570.66	46.69 %
001-511000-500220	Retirement	60,750.00	60,750.00	6,390.21	39,778.81	20,971.19	65.48 %
001-511000-500230	Group Insurance	92,000.00	92,000.00	2,276.10	31,738.11	60,261.89	34.50 %
001-511000-500345	Contractual Services	16,000.00	16,000.00	497.50	4,180.75	11,819.25	26.13 %
001-511000-500510	Office Supplies	1,500.00	1,500.00	0.00	75.19	1,424.81	5.01 %
001-511000-500512	Elections	4,000.00	4,000.00	0.00	3,493.00	507.00	87.33 %
001-511000-500525	Uniform Expense	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
001-511000-500540	Dues & Subscriptions	3,250.00	3,250.00	0.00	1,380.00	1,870.00	42.46 %
001-511000-500545	Training	12,500.00	12,500.00	0.00	2,852.72	9,647.28	22.82 %
001-511000-500550	Operating Expenses	15,200.00	15,200.00	94.88	10,726.76	4,473.24	70.57 %
Department: 511000 - Commission Total:		352,150.00	352,150.00	19,789.44	191,772.97	160,377.03	54.46%
Department: 511100 - Donation-Non Profits							
001-511100-500820	Donations-aids To Private Org	68,500.00	68,500.00	7,540.16	66,040.16	2,459.84	96.41 %
Department: 511100 - Donation-Non Profits Total:		68,500.00	68,500.00	7,540.16	66,040.16	2,459.84	96.41%
Department: 511200 - Visitor Center							
001-511200-500120	Regular Salaries	80,815.00	80,815.00	3,496.48	35,144.50	45,670.50	43.49 %
001-511200-500210	Employer Fica Taxes	6,265.00	6,265.00	232.61	2,653.65	3,611.35	42.36 %
001-511200-500220	Retirement	13,786.00	13,786.00	933.01	6,513.27	7,272.73	47.25 %
001-511200-500230	Group Insurance	3,450.00	3,450.00	167.17	1,628.54	1,821.46	47.20 %
001-511200-500311	Advertisements	3,000.00	3,000.00	0.00	475.00	2,525.00	15.83 %
001-511200-500340	Sewer/wastewater	4,410.00	4,410.00	337.46	2,399.72	2,010.28	54.42 %
001-511200-500345	Contractual Services	6,000.00	6,000.00	56.67	1,168.75	4,831.25	19.48 %
001-511200-500430	Electric Service	2,100.00	2,100.00	122.75	977.16	1,122.84	46.53 %
001-511200-500431	Water Service	5,300.00	5,300.00	478.30	3,660.44	1,639.56	69.06 %
001-511200-500463	Service Maintenance Contracts	3,150.00	3,150.00	0.00	891.22	2,258.78	28.29 %
001-511200-500495	Special Events	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
001-511200-500506	Printing & Binding	3,065.00	3,065.00	0.00	1,498.50	1,566.50	48.89 %
001-511200-500520	Bldg. Maintenance	5,000.00	5,000.00	452.71	1,497.98	3,502.02	29.96 %
001-511200-500550	Operating Expenses	5,000.00	5,000.00	27.40	2,831.15	2,168.85	56.62 %
Department: 511200 - Visitor Center Total:		142,341.00	142,341.00	6,304.56	61,339.88	81,001.12	43.09%
Department: 513000 - Administration							
001-513000-500120	Regular Salaries	665,203.00	772,186.00	54,606.90	495,631.45	276,554.55	64.19 %
001-513000-500140	Overtime Salaries	5,500.00	5,500.00	64.58	796.43	4,703.57	14.48 %
001-513000-500210	Employer Fica Taxes	51,425.00	51,425.00	4,310.82	36,266.80	15,158.20	70.52 %
001-513000-500220	Retirement	154,950.00	169,334.00	22,357.92	128,344.39	40,989.61	75.79 %
001-513000-500230	Group Insurance	155,250.00	155,250.00	7,982.80	88,111.77	67,138.23	56.75 %
001-513000-500315	Professional Services	36,000.00	36,000.00	0.00	18,564.00	17,436.00	51.57 %
001-513000-500320	Audit Expense	47,000.00	47,000.00	0.00	30,000.00	17,000.00	63.83 %
001-513000-500344	Hr Expenses	5,000.00	5,000.00	0.00	3,387.11	1,612.89	67.74 %
001-513000-500345	Contractual Services	98,100.00	98,100.00	5,217.89	46,477.12	51,622.88	47.38 %
001-513000-500463	Service Maintenance Contracts	54,800.00	54,800.00	1,635.07	35,826.22	18,973.78	65.38 %
001-513000-500506	Printing & Binding	3,000.00	3,000.00	0.00	1,229.09	1,770.91	40.97 %
001-513000-500508	Postage	5,000.00	5,000.00	674.60	5,233.31	-233.31	104.67 %
001-513000-500510	Office Supplies	6,700.00	6,700.00	0.00	3,066.53	3,633.47	45.77 %
001-513000-500525	Uniform Expense	1,087.00	1,087.00	0.00	206.46	880.54	18.99 %
001-513000-500540	Dues & Subscriptions	9,900.00	9,900.00	1,412.50	3,749.23	6,150.77	37.87 %
001-513000-500545	Training	27,000.00	27,000.00	1,392.88	7,915.77	19,084.23	29.32 %
001-513000-500550	Operating Expenses	26,000.00	26,000.00	378.44	10,780.28	15,219.72	41.46 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-513000-500640	Capital Outlay - Equip't & Mach	30,000.00	30,000.00	0.00	0.00	30,000.00	0.00 %
Department: 513000 - Administration Total:		1,381,915.00	1,503,282.00	100,034.40	915,585.96	587,696.04	60.91%
Department: 514000 - Town Attorney							
001-514000-500310	Legal Expense	360,000.00	360,000.00	15,906.80	206,078.70	153,921.30	57.24 %
001-514000-500314	Litigation	48,000.00	48,000.00	0.00	0.00	48,000.00	0.00 %
Department: 514000 - Town Attorney Total:		408,000.00	408,000.00	15,906.80	206,078.70	201,921.30	50.51%
Department: 519000 - General							
001-519000-500311	Advertisements	5,000.00	5,000.00	0.00	5,304.50	-304.50	106.09 %
001-519000-500315	Professional Services	139,500.00	139,500.00	9,953.79	76,847.67	62,652.33	55.09 %
001-519000-500345	Contractual Services	83,200.00	83,200.00	0.00	34,876.97	48,323.03	41.92 %
001-519000-500349	Community Mobility Services	250,000.00	250,000.00	16,934.07	143,481.24	106,518.76	57.39 %
001-519000-500451	Auto, Property & Liability Ins	308,300.00	308,300.00	0.00	281,088.66	27,211.34	91.17 %
001-519000-500452	Workers Compensation Insur	90,200.00	90,200.00	0.00	39,054.25	51,145.75	43.30 %
001-519000-500463	Service Maintenance Contracts	23,100.00	23,100.00	0.00	6,000.00	17,100.00	25.97 %
001-519000-500497	Contingency	190,000.00	190,000.00	15,025.00	39,345.49	150,654.51	20.71 %
001-519000-500506	Printing & Binding	0.00	0.00	2,523.25	3,943.25	-3,943.25	0.00 %
001-519000-500540	Dues & Subscriptions	0.00	0.00	0.00	250.00	-250.00	0.00 %
001-519000-500550	Operating Expenses	96,600.00	96,600.00	85.00	79,461.20	17,138.80	82.26 %
001-519000-500552	Recycling And Solid Waste Exp	70,000.00	70,000.00	3,154.26	35,112.52	34,887.48	50.16 %
001-519000-500640	Capital Outlay - Equip't & Mach	40,000.00	40,000.00	0.00	25,636.02	14,363.98	64.09 %
Department: 519000 - General Total:		1,295,900.00	1,295,900.00	47,675.37	770,401.77	525,498.23	59.45%
Department: 519100 - Tourism and Community Outreach							
001-519100-500120	Regular Salaries	90,000.00	90,000.00	5,694.78	52,391.98	37,608.02	58.21 %
001-519100-500210	Employer Fica Taxes	7,000.00	7,000.00	435.98	4,010.85	2,989.15	57.30 %
001-519100-500220	Retirement	12,500.00	12,500.00	1,164.30	6,968.20	5,531.80	55.75 %
001-519100-500230	Group Insurance	20,000.00	20,000.00	1,093.66	12,342.94	7,657.06	61.71 %
001-519100-500311	Advertisements	12,000.00	12,000.00	0.00	2,645.00	9,355.00	22.04 %
001-519100-500315	Professional Services	166,000.00	166,000.00	29,300.23	100,533.38	65,466.62	60.56 %
001-519100-500345	Contractual Services	6,750.00	6,750.00	44.34	2,356.64	4,393.36	34.91 %
001-519100-500347	Programs	12,300.00	12,300.00	66.49	8,837.51	3,462.49	71.85 %
001-519100-500495	Special Events	277,100.00	277,100.00	28,936.76	139,629.64	137,470.36	50.39 %
001-519100-500506	Printing & Binding	44,000.00	44,000.00	4,287.50	16,374.61	27,625.39	37.22 %
001-519100-500540	Dues & Subscriptions	1,900.00	1,900.00	0.00	456.67	1,443.33	24.04 %
001-519100-500545	Training	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
001-519100-500550	Operating Expenses	2,000.00	2,000.00	0.00	273.72	1,726.28	13.69 %
Department: 519100 - Tourism and Community Outreach Total:		653,550.00	653,550.00	71,024.04	346,821.14	306,728.86	53.07%
Department: 521000 - Police Department							
001-521000-500141	Bso Overtime	100,000.00	100,000.00	10,875.36	73,734.93	26,265.07	73.73 %
001-521000-500345	Contractual Services	6,321,135.00	6,321,135.00	1,054,059.84	5,237,219.99	1,083,915.01	82.85 %
001-521000-500352	Contract Services	5,500.00	5,500.00	0.00	4,996.19	503.81	90.84 %
001-521000-500640	Capital Outlay - Equip't & Mach	12,500.00	12,500.00	12,200.26	12,200.26	299.74	97.60 %
Department: 521000 - Police Department Total:		6,439,135.00	6,439,135.00	1,077,135.46	5,328,151.37	1,110,983.63	82.75%
Department: 523000 - Emergency Medical Services							
001-523000-500345	Contractual Services	519,680.00	519,680.00	42,262.50	368,287.50	151,392.50	70.87 %
Department: 523000 - Emergency Medical Services Total:		519,680.00	519,680.00	42,262.50	368,287.50	151,392.50	70.87%
Department: 524000 - Development Services							
001-524000-500120	Regular Salaries	295,900.00	362,930.00	35,030.23	272,474.65	90,455.35	75.08 %
001-524000-500121	Temporary Salaries/ Interns	7,000.00	0.00	0.00	0.00	0.00	0.00 %
001-524000-500140	Overtime Salaries	6,000.00	6,000.00	122.66	3,429.14	2,570.86	57.15 %
001-524000-500210	Employer Fica Taxes	22,925.00	33,775.00	2,905.69	26,110.96	7,664.04	77.31 %
001-524000-500220	Retirement	59,275.00	69,275.00	10,609.35	47,552.30	21,722.70	68.64 %
001-524000-500230	Group Insurance	87,000.00	87,000.00	7,414.61	64,636.28	22,363.72	74.29 %
001-524000-500310	Legal Expense	0.00	0.00	1,210.30	1,210.30	-1,210.30	0.00 %
001-524000-500315	Professional Services	60,000.00	60,000.00	0.00	16,469.74	43,530.26	27.45 %
001-524000-500345	Contractual Services	539,952.00	415,610.00	1,305.00	94,078.29	321,531.71	22.64 %
001-524000-500462	Fuel	0.00	0.00	0.00	154.57	-154.57	0.00 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-524000-500463	Service Maintenance Contracts	4,000.00	4,000.00	0.00	0.00	4,000.00	0.00 %
001-524000-500506	Printing & Binding	3,000.00	3,000.00	575.88	631.15	2,368.85	21.04 %
001-524000-500508	Postage	3,000.00	3,000.00	0.00	1,145.11	1,854.89	38.17 %
001-524000-500510	Office Supplies	2,500.00	2,500.00	0.00	946.30	1,553.70	37.85 %
001-524000-500525	Uniform Expense	600.00	600.00	26.53	395.76	204.24	65.96 %
001-524000-500540	Dues & Subscriptions	5,000.00	5,000.00	264.00	2,020.97	2,979.03	40.42 %
001-524000-500545	Training	8,000.00	8,000.00	629.42	2,030.49	5,969.51	25.38 %
001-524000-500550	Operating Expenses	11,000.00	11,000.00	256.22	24,814.37	-13,814.37	225.59 %
Department: 524000 - Development Services Total:		1,115,152.00	1,071,690.00	60,349.89	558,100.38	513,589.62	52.08%
Department: 541100 - Mun Srvsc - Public Works Div							
001-541100-500120	Regular Salaries	1,124,881.00	1,124,881.00	68,289.48	683,219.67	441,661.33	60.74 %
001-541100-500140	Overtime Salaries	71,500.00	71,500.00	5,068.45	54,078.17	17,421.83	75.63 %
001-541100-500210	Employer Fica Taxes	87,300.00	87,300.00	5,737.90	57,745.08	29,554.92	66.15 %
001-541100-500220	Retirement	171,250.00	171,250.00	19,020.52	117,988.51	53,261.49	68.90 %
001-541100-500230	Group Insurance	327,750.00	327,750.00	16,494.00	208,564.41	119,185.59	63.64 %
001-541100-500315	Professional Services	65,000.00	65,000.00	15,007.85	21,198.13	43,801.87	32.61 %
001-541100-500340	Sewer/wastewater	18,000.00	18,000.00	1,861.87	12,074.35	5,925.65	67.08 %
001-541100-500345	Contractual Services	625,500.00	625,500.00	31,006.02	394,303.00	231,197.00	63.04 %
001-541100-500410	Communications	65,000.00	65,000.00	7,656.86	62,699.57	2,300.43	96.46 %
001-541100-500430	Electric Service	58,000.00	58,000.00	5,511.05	42,492.27	15,507.73	73.26 %
001-541100-500431	Water Service	225,000.00	225,000.00	25,619.06	181,902.73	43,097.27	80.85 %
001-541100-500433	Electric Service-streets	70,000.00	70,000.00	9,617.46	49,640.26	20,359.74	70.91 %
001-541100-500445	Equip Rent/lease	30,000.00	30,000.00	816.90	41,656.66	-11,656.66	138.86 %
001-541100-500460	Equipment Maintenance	45,000.00	45,000.00	-16,515.31	51,996.99	-6,996.99	115.55 %
001-541100-500461	Vehicle Maintenance	25,000.00	25,000.00	512.18	11,972.39	13,027.61	47.89 %
001-541100-500462	Fuel	60,000.00	60,000.00	2,079.20	20,214.03	39,785.97	33.69 %
001-541100-500463	Service Maintenance Contracts	21,000.00	21,000.00	-3,486.27	17,953.59	3,046.41	85.49 %
001-541100-500469	Buoy Maintenance	17,000.00	17,000.00	0.00	0.00	17,000.00	0.00 %
001-541100-500470	Radio Maintenance	3,000.00	3,000.00	3,900.00	3,900.00	-900.00	130.00 %
001-541100-500498	Storm Drain Rehab/maint	100,000.00	100,000.00	3,288.00	4,888.00	95,112.00	4.89 %
001-541100-500508	Postage	300.00	300.00	0.00	223.21	76.79	74.40 %
001-541100-500510	Office Supplies	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
001-541100-500520	Bldg. Maintenance	153,500.00	153,500.00	21,763.42	89,441.62	64,058.38	58.27 %
001-541100-500525	Uniform Expense	30,000.00	30,000.00	3,349.36	19,998.12	10,001.88	66.66 %
001-541100-500529	Street Light Maintenance	70,000.00	70,000.00	2,934.90	20,115.38	49,884.62	28.74 %
001-541100-500530	Street Maint Repair Supply	85,000.00	85,000.00	11,199.86	28,593.54	56,406.46	33.64 %
001-541100-500531	Grounds Maint/landscaping	55,000.00	55,000.00	2,846.53	33,829.38	21,170.62	61.51 %
001-541100-500532	Signs	12,500.00	12,500.00	-8,099.98	8,632.48	3,867.52	69.06 %
001-541100-500534	Sidewalk Maint Repair	7,500.00	7,500.00	0.00	0.00	7,500.00	0.00 %
001-541100-500535	Flags	3,250.00	3,250.00	1,155.53	4,954.09	-1,704.09	152.43 %
001-541100-500536	Sea Oats	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
001-541100-500540	Dues & Subscriptions	4,000.00	4,000.00	-3,741.00	2,174.80	1,825.20	54.37 %
001-541100-500545	Training	8,000.00	8,000.00	0.00	520.00	7,480.00	6.50 %
001-541100-500547	Hurricane Expenditure	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
001-541100-500550	Operating Expenses	150,000.00	150,000.00	13,350.50	104,881.56	45,118.44	69.92 %
001-541100-500624	Capital Outlay-bldg. Improvemnt	70,000.00	70,000.00	13,698.19	13,698.19	56,301.81	19.57 %
001-541100-500640	Capital Outlay - Equipmt & Mach	45,000.00	45,000.00	1,096.56	9,829.46	35,170.54	21.84 %
001-541100-500644	Capital Outlay-vehicles	57,459.00	57,459.00	4,039.27	36,375.55	21,083.45	63.31 %
Department: 541100 - Mun Srvsc - Public Works Div Total:		3,982,690.00	3,982,690.00	265,078.36	2,411,755.19	1,570,934.81	60.56%
Department: 572000 - Recreation							
001-572000-500342	Senior Rec. Ctr. Contract	113,999.00	113,999.00	9,187.32	82,263.28	31,735.72	72.16 %
001-572000-500463	Service Maintenance Contracts	2,500.00	2,500.00	410.85	1,456.35	1,043.65	58.25 %
001-572000-500510	Office Supplies	500.00	500.00	0.00	0.00	500.00	0.00 %
Department: 572000 - Recreation Total:		116,999.00	116,999.00	9,598.17	83,719.63	33,279.37	71.56%
Department: 581100 - Interfund Transfers							
001-581100-380102	Transfer From Bldg-oh Costs	200,000.00	200,000.00	0.00	100,000.00	-100,000.00	50.00 %
001-581100-380115	Transfer From Fire - Oh Costs	50,000.00	50,000.00	0.00	25,000.00	-25,000.00	50.00 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-581100-500910	Transfer To Cip Fund	1,255,000.00	1,255,000.00	0.00	627,500.00	627,500.00	50.00 %
001-581100-500916	Transfer to Fire	0.00	659,125.00	0.00	659,125.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Surplus (Deficit):		-1,005,000.00	-1,664,125.00	0.00	-1,161,625.00	502,500.00	69.80%
Fund: 001 - General Fund Surplus (Deficit):		0.00	0.00	-1,163,541.27	4,390,924.77	4,390,924.77	0.00%
Fund: 101 - Special Revenue-Police Conf							
Department: 306000 - Miscellaneous Revenues							
101-306000-369100	Miscellaneous Revenues	0.00	0.00	0.00	391.11	391.11	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 101 - Special Revenue-Police Conf Total:		0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 102 - Building Fund							
Department: 000000 - Assigned							
102-000000-380200	Appropriated Fund Balance	275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00 %
Department: 000000 - Assigned Total:		275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00%
Department: 302100 - Building Permit and Inpection							
102-302100-322100	Building Permits	1,393,019.00	1,393,019.00	164,091.49	953,330.50	-439,688.50	68.44 %
102-302100-322105	Fire Plan Review Fees	60,000.00	60,000.00	721.32	54,739.56	-5,260.44	91.23 %
102-302100-322106	Building Recording Fee	0.00	0.00	0.00	12.25	12.25	0.00 %
Department: 302100 - Building Permit and Inpection Total:		1,453,019.00	1,453,019.00	164,812.81	1,008,082.31	-444,936.69	69.38%
Department: 524100 - Building							
102-524100-500120	Regular Salaries	215,721.00	215,721.00	11,437.23	100,425.89	115,295.11	46.55 %
102-524100-500121	Temporary Salaries/ Interns	8,000.00	8,000.00	0.00	0.00	8,000.00	0.00 %
102-524100-500210	Employer Fica Taxes	17,400.00	17,400.00	846.92	3,466.04	13,933.96	19.92 %
102-524100-500220	Retirement	48,000.00	48,000.00	2,748.55	22,729.05	25,270.95	47.35 %
102-524100-500230	Group Insurance	80,000.00	80,000.00	7,166.78	30,393.53	49,606.47	37.99 %
102-524100-500310	Legal Expense	0.00	0.00	518.70	518.70	-518.70	0.00 %
102-524100-500315	Professional Services	175,000.00	175,000.00	4,817.50	31,953.63	143,046.37	18.26 %
102-524100-500345	Contractual Services	79,000.00	79,000.00	1,660.00	63,082.96	15,917.04	79.85 %
102-524100-500402	Building Permit Services	900,000.00	900,000.00	74,147.53	298,294.93	601,705.07	33.14 %
102-524100-500463	Service Maintenance Contracts	3,000.00	3,000.00	945.87	5,153.25	-2,153.25	171.78 %
102-524100-500550	Operating Expenses	2,000.00	2,000.00	11.37	8,609.03	-6,609.03	430.45 %
102-524100-581001	Transfer To GF-OH Costs	200,000.00	200,000.00	0.00	100,000.00	100,000.00	50.00 %
Department: 524100 - Building Total:		1,728,121.00	1,728,121.00	104,300.45	664,627.01	1,063,493.99	38.46%
Fund: 102 - Building Fund Surplus (Deficit):		0.00	0.00	60,512.36	343,455.30	343,455.30	0.00%
Fund: 103 - Sewer Fund							
Department: 000000 - Assigned							
103-000000-380200	Appropriated Fund Balance	8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00 %
Department: 000000 - Assigned Total:		8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00%
Department: 304000 - Charges for Services							
103-304000-343500	Sewer Fees	1,700,000.00	1,700,000.00	0.00	715,765.98	-984,234.02	42.10 %
Department: 304000 - Charges for Services Total:		1,700,000.00	1,700,000.00	0.00	715,765.98	-984,234.02	42.10%
Department: 306000 - Miscellaneous Revenues							
103-306000-361100	Interest Earnings	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00%
Department: 535000 - Sanitary Sewers							
103-535000-500120	Regular Salaries	112,900.00	112,900.00	8,207.18	77,297.84	35,602.16	68.47 %
103-535000-500140	Overtime Salaries	6,600.00	6,600.00	440.56	2,272.96	4,327.04	34.44 %
103-535000-500210	Employer Fica Taxes	8,637.00	8,637.00	659.20	6,172.32	2,464.68	71.46 %
103-535000-500220	Retirement	23,325.00	23,325.00	1,946.76	16,249.26	7,075.74	69.66 %
103-535000-500230	Group Insurance	42,100.00	42,100.00	3,599.86	21,836.44	20,263.56	51.87 %
103-535000-500340	Sewer/wastewater	1,010,000.00	1,010,000.00	74,474.54	640,708.57	369,291.43	63.44 %
103-535000-500345	Contractual Services	65,000.00	65,000.00	0.00	6,614.98	58,385.02	10.18 %
103-535000-500430	Electric Service	30,000.00	30,000.00	1,239.83	14,727.01	15,272.99	49.09 %
103-535000-500431	Water Service	500.00	500.00	29.41	373.86	126.14	74.77 %
103-535000-500459	Sewer Line Maintenance	200,000.00	200,000.00	5,200.00	38,771.86	161,228.14	19.39 %
103-535000-500465	Pump Station Maintenance	3,000.00	3,000.00	0.00	473.80	2,526.20	15.79 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
103-535000-500497	Contingency	100,000.00	100,000.00	0.00	0.00	100,000.00	0.00 %
103-535000-500506	Printing & Binding	1,250.00	1,250.00	0.00	518.00	732.00	41.44 %
103-535000-500550	Operating Expenses	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
103-535000-500630	Cap Outlay Imp Other Than Bldg	105,168.00	105,168.00	0.00	0.00	105,168.00	0.00 %
Department: 535000 - Sanitary Sewers Total:		1,710,480.00	1,710,480.00	95,797.34	826,016.90	884,463.10	48.29%
Fund: 103 - Sewer Fund Surplus (Deficit):		0.00	0.00	-95,797.34	-110,250.92	-110,250.92	0.00%
Fund: 115 - Fire Fund							
Department: 000000 - Assigned							
115-000000-380203	Appropriation From Fire Fund	600,000.00	0.00	0.00	0.00	0.00	0.00 %
Department: 000000 - Assigned Total:		600,000.00	0.00	0.00	0.00	0.00	0.00%
Department: 301050 - Fire Assessment							
115-301050-311200	Property Tax-fire Assessment	1,347,159.00	1,347,159.00	12,280.48	1,346,781.71	-377.29	99.97 %
Department: 301050 - Fire Assessment Total:		1,347,159.00	1,347,159.00	12,280.48	1,346,781.71	-377.29	99.97%
Department: 304000 - Charges for Services							
115-304000-342210	Fire Inspection Fees	77,000.00	77,000.00	800.00	78,544.83	1,544.83	102.01 %
Department: 304000 - Charges for Services Total:		77,000.00	77,000.00	800.00	78,544.83	1,544.83	102.01%
Department: 306000 - Miscellaneous Revenues							
115-306000-369100	Miscellaneous Revenues	0.00	137,682.00	0.00	137,682.38	0.38	100.00 %
Department: 306000 - Miscellaneous Revenues Total:		0.00	137,682.00	0.00	137,682.38	0.38	100.00%
Department: 522000 - Fire Department							
115-522000-500310	Legal Expense	0.00	0.00	8,990.80	26,520.20	-26,520.20	0.00 %
115-522000-500315	Professional Services	83,000.00	178,819.00	9,231.40	86,527.10	92,291.90	48.39 %
115-522000-500345	Contractual Services	987,100.00	1,011,675.00	86,362.50	792,837.50	218,837.50	78.37 %
115-522000-500520	Bldg. Maintenance	4,059.00	4,059.00	0.00	0.00	4,059.00	0.00 %
115-522000-500624	Capital Outlay-bldg. Improvemt	900,000.00	900,000.00	0.00	0.00	900,000.00	0.00 %
115-522000-500646	Capital Outlay-Reserves	0.00	76,413.00	0.00	0.00	76,413.00	0.00 %
115-522000-500912	Transfer To General Fund	50,000.00	50,000.00	0.00	25,000.00	25,000.00	50.00 %
Department: 522000 - Fire Department Total:		2,024,159.00	2,220,966.00	104,584.70	930,884.80	1,290,081.20	41.91%
Department: 581100 - Interfund Transfers							
115-581100-381105	Transfer From General Fund	0.00	659,125.00	0.00	659,125.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:		0.00	659,125.00	0.00	659,125.00	0.00	100.00%
Fund: 115 - Fire Fund Surplus (Deficit):		0.00	0.00	-91,504.22	1,291,249.12	1,291,249.12	0.00%
Fund: 300 - Capital Project Fund							
Department: 000000 - Assigned							
300-000000-380200	Appropriated Fund Balance	615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00 %
Department: 000000 - Assigned Total:		615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00%
Department: 303000 - Intergovernmental Revenues							
300-303000-334920	Beach Portal-Funding	50,000.00	50,000.00	0.00	0.00	-50,000.00	0.00 %
300-303000-334929	Friedt Park Funding	200,000.00	200,000.00	0.00	0.00	-200,000.00	0.00 %
300-303000-334933	Resilient Florida Program (DEP) Gra...	200,000.00	200,000.00	0.00	0.00	-200,000.00	0.00 %
Department: 303000 - Intergovernmental Revenues Total:		450,000.00	450,000.00	0.00	0.00	-450,000.00	0.00%
Department: 519000 - General							
300-519000-500120	Regular Salaries	86,657.00	86,657.00	6,321.44	60,175.51	26,481.49	69.44 %
300-519000-500140	Overtime Salaries	0.00	0.00	892.88	892.88	-892.88	0.00 %
300-519000-500210	Employer Fica Taxes	6,630.00	6,630.00	483.58	4,603.40	2,026.60	69.43 %
300-519000-500220	Retirement	24,380.00	24,380.00	892.88	15,961.36	8,418.64	65.47 %
300-519000-500230	Group Insurance	18,975.00	18,975.00	1,064.27	11,077.84	7,897.16	58.38 %
300-519000-500640	Capital Outlay - Equipt & Mach	90,000.00	90,000.00	11,979.98	81,022.91	8,977.09	90.03 %
Department: 519000 - General Total:		226,642.00	226,642.00	21,635.03	173,733.90	52,908.10	76.66%
Department: 519161 - Town Hall / Public Safety							
300-519161-500629	Capital Outlay - Design/permit	500,000.00	500,000.00	0.00	0.00	500,000.00	0.00 %
Department: 519161 - Town Hall / Public Safety Total:		500,000.00	500,000.00	0.00	0.00	500,000.00	0.00%

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Department: 545170 - El Prado Park						
300-545170-500630 Cap Outlay Imp Other Than Bldg	775,000.00	775,000.00	3,270.00	33,189.65	741,810.35	4.28 %
Department: 545170 - El Prado Park Total:	775,000.00	775,000.00	3,270.00	33,189.65	741,810.35	4.28%
Department: 559027 - Storm Water Rate Study						
300-559027-500630 Cap Outlay Imp Other Than Bldg	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00 %
Department: 559027 - Storm Water Rate Study Total:	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
Department: 572102 - Beach Portal						
300-572102-500629 Capital Outlay - Design/permit	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00 %
Department: 572102 - Beach Portal Total:	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00%
Department: 572108 - FDOT A1A Pine Ave to Palm Ave						
300-572108-500630 Cap Outlay Imp other than bldg	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70 %
Department: 572108 - FDOT A1A Pine Ave to Palm Ave Total:	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70%
Department: 572110 - Tennis Court Lighting						
300-572110-500630 Cap Outlay Imp other than bldg	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40 %
Department: 572110 - Tennis Court Lighting Total:	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40%
Department: 572200 - Beach Renourishment						
300-572200-500630 Cap Outlay Imp Other Than Bldg	116,667.00	116,667.00	12,330.74	135,644.61	-18,977.61	116.27 %
Department: 572200 - Beach Renourishment Total:	116,667.00	116,667.00	12,330.74	135,644.61	-18,977.61	116.27%
Department: 572201 - Staghorn Coral Painting						
300-572201-500630 Cap Outlay Imp Other Than Bldg	0.00	0.00	0.00	9,097.66	-9,097.66	0.00 %
Department: 572201 - Staghorn Coral Painting Total:	0.00	0.00	0.00	9,097.66	-9,097.66	0.00%
Department: 575200 - Traffic Improvements & Calming						
300-575200-500630 Cap Outlay Imp Other Than Bldg	150,000.00	150,000.00	1,519.00	23,468.12	126,531.88	15.65 %
Department: 575200 - Traffic Improvements & Calming Total:	150,000.00	150,000.00	1,519.00	23,468.12	126,531.88	15.65%
Department: 575201 - Pedestrian Amenities						
300-575201-500630 Cap Outlay Imp Other Than Bldg	75,000.00	75,000.00	0.00	45,722.85	29,277.15	60.96 %
Department: 575201 - Pedestrian Amenities Total:	75,000.00	75,000.00	0.00	45,722.85	29,277.15	60.96%
Department: 576136 - Street Proj.Bougain.Poinciana						
300-576136-500629 Capital Outlay - Design/permit	225,000.00	225,000.00	0.00	0.00	225,000.00	0.00 %
Department: 576136 - Street Proj.Bougain.Poinciana Total:	225,000.00	225,000.00	0.00	0.00	225,000.00	0.00%
Department: 576138 - Roadway Paving & Refurbishment						
300-576138-500630 Cap Outlay Imp Other Than Bldg	483,691.00	483,691.00	24,852.50	79,525.63	404,165.37	16.44 %
Department: 576138 - Roadway Paving & Refurbishment Total:	483,691.00	483,691.00	24,852.50	79,525.63	404,165.37	16.44%
Department: 576305 - Resilient Florida Program -Project						
300-576305-500630 Cap Outlay Imp other than bldg	200,000.00	200,000.00	19,884.00	19,884.00	180,116.00	9.94 %
Department: 576305 - Resilient Florida Program -Project Total:	200,000.00	200,000.00	19,884.00	19,884.00	180,116.00	9.94%
Department: 577100 - Friedt Park						
300-577100-500630 Cap Outlay Imp Other Than Bldg	725,000.00	725,000.00	6,970.32	391,625.00	333,375.00	54.02 %
Department: 577100 - Friedt Park Total:	725,000.00	725,000.00	6,970.32	391,625.00	333,375.00	54.02%
Department: 577102 - 75th Anniversary Garden						
300-577102-500630 Cap Outlay Imp other than bldg	100,000.00	100,000.00	0.00	9,942.00	90,058.00	9.94 %
Department: 577102 - 75th Anniversary Garden Total:	100,000.00	100,000.00	0.00	9,942.00	90,058.00	9.94%
Department: 581100 - Interfund Transfers						
300-581100-381105 Transfer From General Fund	1,255,000.00	1,255,000.00	0.00	627,500.00	-627,500.00	50.00 %
300-581100-381106 Transfer From Parking Fund	1,732,000.00	1,732,000.00	0.00	866,000.00	-866,000.00	50.00 %
Department: 581100 - Interfund Transfers Total:	2,987,000.00	2,987,000.00	0.00	1,493,500.00	-1,493,500.00	50.00%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	-90,461.59	295,943.68	295,943.68	0.00%
Fund: 310 - Parking Fund						
Department: 302000 - Licenses & Permits						
310-302000-313101 Pilop Fee	40,000.00	40,000.00	0.00	8,000.00	-32,000.00	20.00 %
Department: 302000 - Licenses & Permits Total:	40,000.00	40,000.00	0.00	8,000.00	-32,000.00	20.00%
Department: 304000 - Charges for Services						
310-304000-344500 Parking Permits	148,000.00	148,000.00	3,411.21	103,362.91	-44,637.09	69.84 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
310-304000-344520	Parking Agreements	94,024.00	94,024.00	0.00	94,024.00	0.00	100.00 %
310-304000-344551	South Ocean	210,000.00	210,000.00	23,420.13	226,155.94	16,155.94	107.69 %
310-304000-344552	Ocean Front Meters	350,000.00	350,000.00	51,706.65	443,706.82	93,706.82	126.77 %
310-304000-344553	Commercial Blvd. Meters	90,000.00	90,000.00	12,686.53	134,259.99	44,259.99	149.18 %
310-304000-344554	Parking Meters - Beach	200,000.00	200,000.00	21,395.67	182,124.02	-17,875.98	91.06 %
310-304000-344555	Palm Portal- Fdg	99,000.00	99,000.00	15,220.77	118,055.16	19,055.16	119.25 %
310-304000-344556	El Prado Parking Lot	650,000.00	650,000.00	48,612.95	478,876.93	-171,123.07	73.67 %
310-304000-344558	Town Hall Parking Lot	35,000.00	35,000.00	2,697.57	25,476.46	-9,523.54	72.79 %
310-304000-344559	El Mar Parking Lot	295,000.00	295,000.00	25,613.84	246,939.14	-48,060.86	83.71 %
310-304000-344560	A1A Parking Lot	650,000.00	650,000.00	50,825.24	531,227.13	-118,772.87	81.73 %
310-304000-344563	Bougainvilla/ Poinciana	199,000.00	199,000.00	24,698.17	246,624.78	47,624.78	123.93 %
Department: 304000 - Charges for Services Total:		3,020,024.00	3,020,024.00	280,288.73	2,830,833.28	-189,190.72	93.74%
Department: 305000 - Fines & Forfeitures							
310-305000-354100	Parking Fines	110,000.00	110,000.00	23,826.79	240,091.57	130,091.57	218.27 %
Department: 305000 - Fines & Forfeitures Total:		110,000.00	110,000.00	23,826.79	240,091.57	130,091.57	218.27%
Department: 306000 - Miscellaneous Revenues							
310-306000-362001	Bougainvilla Rent	149,760.00	149,760.00	10,198.01	96,630.71	-53,129.29	64.52 %
Department: 306000 - Miscellaneous Revenues Total:		149,760.00	149,760.00	10,198.01	96,630.71	-53,129.29	64.52%
Department: 545000 - Parking Operations							
310-545000-500120	Regular Salaries	236,000.00	236,000.00	17,718.40	166,774.50	69,225.50	70.67 %
310-545000-500140	Overtime Salaries	4,200.00	4,200.00	77.93	4,723.84	-523.84	112.47 %
310-545000-500210	Employer Fica Taxes	18,400.00	18,400.00	1,036.52	10,068.82	8,331.18	54.72 %
310-545000-500220	Retirement	45,000.00	45,000.00	4,099.60	31,910.77	13,089.23	70.91 %
310-545000-500230	Group Insurance	76,000.00	76,000.00	7,505.31	47,244.55	28,755.45	62.16 %
310-545000-500345	Contractual Services	523,000.00	523,000.00	41,349.40	313,575.33	209,424.67	59.96 %
310-545000-500353	Parking Alternatives	85,000.00	85,000.00	9,447.07	45,313.19	39,686.81	53.31 %
310-545000-500410	Communications	3,000.00	3,000.00	127.04	1,242.34	1,757.66	41.41 %
310-545000-500430	Electric Service	9,600.00	9,600.00	573.80	6,063.81	3,536.19	63.16 %
310-545000-500431	Water Service	27,500.00	27,500.00	2,254.17	13,921.66	13,578.34	50.62 %
310-545000-500445	Equip Rent/lease	5,500.00	5,500.00	0.00	0.00	5,500.00	0.00 %
310-545000-500461	Vehicle Maintenance	8,000.00	8,000.00	100.00	3,082.11	4,917.89	38.53 %
310-545000-500462	Fuel	15,000.00	15,000.00	0.00	6,181.56	8,818.44	41.21 %
310-545000-500463	Service Maintenance Contracts	48,588.00	48,588.00	2,520.00	32,328.00	16,260.00	66.53 %
310-545000-500497	Contingency	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
310-545000-500506	Printing & Binding	8,000.00	8,000.00	0.00	1,672.00	6,328.00	20.90 %
310-545000-500508	Postage	1,000.00	1,000.00	37.73	443.83	556.17	44.38 %
310-545000-500510	Office Supplies	1,000.00	1,000.00	0.00	199.90	800.10	19.99 %
310-545000-500525	Uniform Expense	5,000.00	5,000.00	0.00	246.85	4,753.15	4.94 %
310-545000-500532	Signs	13,000.00	13,000.00	0.00	4,501.35	8,498.65	34.63 %
310-545000-500533	Parking Meter Parts-supplies	38,000.00	38,000.00	403.20	2,686.79	35,313.21	7.07 %
310-545000-500545	Training	2,000.00	2,000.00	0.00	778.00	1,222.00	38.90 %
310-545000-500550	Operating Expenses	37,000.00	37,000.00	914.99	3,951.83	33,048.17	10.68 %
310-545000-500630	Cap Outlay Imp Other Than Bldg	32,310.00	32,310.00	0.00	0.00	32,310.00	0.00 %
310-545000-500640	Capital Outlay - Equipt & Mach	104,000.00	104,000.00	0.00	15,937.00	88,063.00	15.32 %
310-545000-500644	Capital Outlay-vehicles	31,686.00	31,686.00	1,580.81	15,369.23	16,316.77	48.50 %
310-545000-500646	Capital Outlay-Reserves	200,000.00	200,000.00	0.00	0.00	200,000.00	0.00 %
Department: 545000 - Parking Operations Total:		1,587,784.00	1,587,784.00	89,745.97	728,217.26	859,566.74	45.86%
Department: 581100 - Interfund Transfers							
310-581100-500910	Transfer To CIP Fund	1,732,000.00	1,732,000.00	0.00	866,000.00	866,000.00	50.00 %
Department: 581100 - Interfund Transfers Total:		1,732,000.00	1,732,000.00	0.00	866,000.00	866,000.00	50.00%
Fund: 310 - Parking Fund Surplus (Deficit):		0.00	0.00	224,567.56	1,581,338.30	1,581,338.30	0.00%
Report Surplus (Deficit):		0.00	0.00	-1,156,224.50	7,793,051.36	7,793,051.36	0.00%

Group Summary

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
000000 - Assigned	0.00	88,256.00	0.00	0.00	-88,256.00	0.00%
301000 - Ad Valorem Property Taxes	13,548,619.00	13,548,619.00	176,151.70	13,450,618.36	-98,000.64	99.28%
301100 - Utility Taxes	1,198,700.00	1,198,700.00	105,883.51	867,301.81	-331,398.19	72.35%
301600 - Franchise Taxes	864,799.00	864,799.00	69,257.73	598,943.86	-265,855.14	69.26%
302000 - Licenses & Permits	187,200.00	241,200.00	5,235.99	216,773.99	-24,426.01	89.87%
303000 - Intergovernmental Revenues	1,203,884.00	1,245,243.00	107,722.81	926,403.47	-318,839.53	74.40%
304000 - Charges for Services	7,250.00	7,250.00	0.00	12,240.00	4,990.00	168.83%
305000 - Fines & Forfeitures	87,000.00	87,000.00	4,163.10	56,674.96	-30,325.04	65.14%
306000 - Miscellaneous Revenues	383,560.00	936,975.00	90,743.04	731,647.97	-205,327.03	78.09%
511000 - Commission	352,150.00	352,150.00	19,789.44	191,772.97	160,377.03	54.46%
511100 - Donation-Non Profits	68,500.00	68,500.00	7,540.16	66,040.16	2,459.84	96.41%
511200 - Visitor Center	142,341.00	142,341.00	6,304.56	61,339.88	81,001.12	43.09%
513000 - Administration	1,381,915.00	1,503,282.00	100,034.40	915,585.96	587,696.04	60.91%
514000 - Town Attorney	408,000.00	408,000.00	15,906.80	206,078.70	201,921.30	50.51%
519000 - General	1,295,900.00	1,295,900.00	47,675.37	770,401.77	525,498.23	59.45%
519100 - Tourism and Community Outreach	653,550.00	653,550.00	71,024.04	346,821.14	306,728.86	53.07%
521000 - Police Department	6,439,135.00	6,439,135.00	1,077,135.46	5,328,151.37	1,110,983.63	82.75%
523000 - Emergency Medical Services	519,680.00	519,680.00	42,262.50	368,287.50	151,392.50	70.87%
524000 - Development Services	1,115,152.00	1,071,690.00	60,349.89	558,100.38	513,589.62	52.08%
541100 - Mun Srvsc - Public Works Div	3,982,690.00	3,982,690.00	265,078.36	2,411,755.19	1,570,934.81	60.56%
572000 - Recreation	116,999.00	116,999.00	9,598.17	83,719.63	33,279.37	71.56%
581100 - Interfund Transfers	-1,005,000.00	-1,664,125.00	0.00	-1,161,625.00	502,500.00	69.80%
Fund: 001 - General Fund Surplus (Deficit):	0.00	0.00	-1,163,541.27	4,390,924.77	4,390,924.77	0.00%
Fund: 101 - Special Revenue-Police Conf						
306000 - Miscellaneous Revenues	0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 101 - Special Revenue-Police Conf Total:	0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 102 - Building Fund						
000000 - Assigned	275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00%
302100 - Building Permit and Inpection	1,453,019.00	1,453,019.00	164,812.81	1,008,082.31	-444,936.69	69.38%
524100 - Building	1,728,121.00	1,728,121.00	104,300.45	664,627.01	1,063,493.99	38.46%
Fund: 102 - Building Fund Surplus (Deficit):	0.00	0.00	60,512.36	343,455.30	343,455.30	0.00%
Fund: 103 - Sewer Fund						
000000 - Assigned	8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00%
304000 - Charges for Services	1,700,000.00	1,700,000.00	0.00	715,765.98	-984,234.02	42.10%
306000 - Miscellaneous Revenues	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00%
535000 - Sanitary Sewers	1,710,480.00	1,710,480.00	95,797.34	826,016.90	884,463.10	48.29%
Fund: 103 - Sewer Fund Surplus (Deficit):	0.00	0.00	-95,797.34	-110,250.92	-110,250.92	0.00%
Fund: 115 - Fire Fund						
000000 - Assigned	600,000.00	0.00	0.00	0.00	0.00	0.00%
301050 - Fire Assessment	1,347,159.00	1,347,159.00	12,280.48	1,346,781.71	-377.29	99.97%
304000 - Charges for Services	77,000.00	77,000.00	800.00	78,544.83	1,544.83	102.01%
306000 - Miscellaneous Revenues	0.00	137,682.00	0.00	137,682.38	0.38	100.00%
522000 - Fire Department	2,024,159.00	2,220,966.00	104,584.70	930,884.80	1,290,081.20	41.91%
581100 - Interfund Transfers	0.00	659,125.00	0.00	659,125.00	0.00	100.00%
Fund: 115 - Fire Fund Surplus (Deficit):	0.00	0.00	-91,504.22	1,291,249.12	1,291,249.12	0.00%
Fund: 300 - Capital Project Fund						
000000 - Assigned	615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00%
303000 - Intergovernmental Revenues	450,000.00	450,000.00	0.00	0.00	-450,000.00	0.00%
519000 - General	226,642.00	226,642.00	21,635.03	173,733.90	52,908.10	76.66%
519161 - Town Hall / Public Safety	500,000.00	500,000.00	0.00	0.00	500,000.00	0.00%
545170 - El Prado Park	775,000.00	775,000.00	3,270.00	33,189.65	741,810.35	4.28%
559027 - Storm Water Rate Study	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
572102 - Beach Portal	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00%
572108 - FDOT A1A Pine Ave to Palm Ave	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70%

Budget Report

For Fiscal: 2024-2025 Period Ending: 06/30/2025

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
572110 - Tennis Court Lighting	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40%
572200 - Beach Renourishment	116,667.00	116,667.00	12,330.74	135,644.61	-18,977.61	116.27%
572201 - Staghorn Coral Painting	0.00	0.00	0.00	9,097.66	-9,097.66	0.00%
575200 - Traffic Improvements & Calming	150,000.00	150,000.00	1,519.00	23,468.12	126,531.88	15.65%
575201 - Pedestrian Amenities	75,000.00	75,000.00	0.00	45,722.85	29,277.15	60.96%
576136 - Street Proj.Bougain.Poinciana	225,000.00	225,000.00	0.00	0.00	225,000.00	0.00%
576138 - Roadway Paving & Refurbishment	483,691.00	483,691.00	24,852.50	79,525.63	404,165.37	16.44%
576305 - Resilient Florida Program -Project	200,000.00	200,000.00	19,884.00	19,884.00	180,116.00	9.94%
577100 - Friedt Park	725,000.00	725,000.00	6,970.32	391,625.00	333,375.00	54.02%
577102 - 75th Anniversary Garden	100,000.00	100,000.00	0.00	9,942.00	90,058.00	9.94%
581100 - Interfund Transfers	2,987,000.00	2,987,000.00	0.00	1,493,500.00	-1,493,500.00	50.00%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	-90,461.59	295,943.68	295,943.68	0.00%
Fund: 310 - Parking Fund						
302000 - Licenses & Permits	40,000.00	40,000.00	0.00	8,000.00	-32,000.00	20.00%
304000 - Charges for Services	3,020,024.00	3,020,024.00	280,288.73	2,830,833.28	-189,190.72	93.74%
305000 - Fines & Forfeitures	110,000.00	110,000.00	23,826.79	240,091.57	130,091.57	218.27%
306000 - Miscellaneous Revenues	149,760.00	149,760.00	10,198.01	96,630.71	-53,129.29	64.52%
545000 - Parking Operations	1,587,784.00	1,587,784.00	89,745.97	728,217.26	859,566.74	45.86%
581100 - Interfund Transfers	1,732,000.00	1,732,000.00	0.00	866,000.00	866,000.00	50.00%
Fund: 310 - Parking Fund Surplus (Deficit):	0.00	0.00	224,567.56	1,581,338.30	1,581,338.30	0.00%
Report Surplus (Deficit):	0.00	0.00	-1,156,224.50	7,793,051.36	7,793,051.36	0.00%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
001 - General Fund	0.00	0.00	-1,163,541.27	4,390,924.77	4,390,924.77
101 - Special Revenue-Police Conf	0.00	0.00	0.00	391.11	391.11
102 - Building Fund	0.00	0.00	60,512.36	343,455.30	343,455.30
103 - Sewer Fund	0.00	0.00	-95,797.34	-110,250.92	-110,250.92
115 - Fire Fund	0.00	0.00	-91,504.22	1,291,249.12	1,291,249.12
300 - Capital Project Fund	0.00	0.00	-90,461.59	295,943.68	295,943.68
310 - Parking Fund	0.00	0.00	224,567.56	1,581,338.30	1,581,338.30
Report Surplus (Deficit):	0.00	0.00	-1,156,224.50	7,793,051.36	7,793,051.36

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of June 30, 2025

Bank / Other	GL No.	Bank No.	Account Name	Account Type	Bank/ Pool	Balance 6/30/2025	Interest/ Avg % Yield	Interest/Chg Mkt Value	Interest/ Year to Date
001 General Fund:									
Truist	101.000	8015	Master Account	Analyzed Interest Checking	Truist	8,250,027.24	2.55%	16,351.84	180,459.97
Truist	101.009	6876	Emergency Reserve	Public Special Money Rate Checking	Truist	2,610,125.16	2.87%	6,149.63	51,262.89
GENERAL FUND						BANK SUBTOTAL		22,501.47	231,722.86
SBA	101.300	1471-A	General Fund Invest Acct A	SBA Invest Pool	SBA	201,425.95	4.47%	736.96	6,842.08
SBA	101.400	1472-A	Emergency Reserves Acct A	SBA Invest Pool	SBA	97,724.40	4.47%	357.54	3,319.52
SBA	101.301	1473-A	Florida Prime Investment	SBA Investment	SBA	3,024,705.84	4.47%	11,066.33	24,705.84
SouthState Inv.	101.110	9371	Investment	Investment	SSTI	2,025,112.65			
GENERAL FUND						SBA / INV. SUBTOTAL		12,160.83	34,867.44
GENERAL FUND						GRAND TOTAL		34,662.30	266,590.30
101 Police Forfeiture & Training									
Truist	101.100	9613	Police Forfeiture Fund	Analyzed Interest Checking	Truist	589.59	2.55%	Included Above	Included Above
POLICE FUND						TOTAL		0.00	0.00
103 Sewer Enterprise Fund									
Truist	101.105	9999	Sewer Enterprise Fund	Analyzed Interest Checking	Truist	1,011,870.07	2.55%	2,069.14	20,460.01
SEWER FUND						TOTAL		2,069.14	20,460.01
115 Fire Fund:									
Truist	101.109	5379	Fire Fund Account	Analyzed Interest Checking	Truist	875,250.77	2.55%	1,614.48	14,876.46
Truist	101.110	6701	Public Safety Facility Account	Analyzed Interest Checking	Truist	1,277,303.38	2.55%	2,468.12	9,481.53
FIRE FUND						GRAND TOTAL		4,082.60	14,876.46
300 Capital Improvement Fund:									
Truist	101.115	0010	Capital Improvement Fund	Analyzed Interest Checking	Truist	2,523,424.69	2.55%	5,412.91	39,584.91
CAPITAL IMPROVEMENT FUND						TOTAL		5,412.91	39,584.91
310 Parking Improvement Fund									
Truist	101.125	0120	Parking Improvement Account	Analyzed Interest Checking	Truist	7,362,885.42	2.55%	14,789.53	111,455.10
Truist	101.128	8554	PILOP Account	Analyzed Interest Checking	Truist	200.00	2.55%	Included Above	Included Above
PARKING FUND						TOTAL		14,789.53	111,455.10
102 Building Fund									
Truist	101.104	8686	Building Account	Analyzed Interest Checking	Truist	1,251,282.69	2.55%	2,561.65	21,420.84
BUILDING FUND						TOTAL		2,561.65	21,420.84
ALL FUNDS						GRAND TOTAL		63,578.13	474,387.62

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of June 30, 2025

Summary by Investment Type		Amount	Percent
	Interest Bearing Checking	23,885,655.63	82%
	Non-interest Bearing Checking	0.00	0%
	SBA Trust Fund/Pools	299,150.35	1%
	SBA Florida Prime Investment	3,024,705.84	
	Investment	2,025,112.65	7%
	Repurchase Agreements	0.00	0%
	Money Market Funds	0.00	0%
	U.S. Securities/Treasuries	0.00	0%
	U.S. Federal Agencies	0.00	0%
	Federal Instrumentalities	0.00	0%
GRAND TOTAL		29,234,624.47	90%

Summary by Fund		Amount	Percent
101.000/101-400	General Fund	16,209,121.24	55%
	Police Fund	589.59	0%
	Sewer Fund	1,011,870.07	3%
	Fire Fund	875,250.77	3%
	Building Fund	1,251,282.69	4%
	Capital Improvement Fund	2,523,424.69	9%
	Parking Fund	7,363,085.42	25%
GRAND TOTAL		29,234,624.47	100%

Summary by Bank/Pool/Inv		Amount	Percent
	Truist	23,885,655.63	82%
	Investment	2,025,112.65	7%
	Florida Prime/Investment	3,024,705.84	10%
	Florida Prime/State Board of Admin.	299,150.35	1%
GRAND TOTAL		29,234,624.47	100%



Agenda Item No: 8.c.

Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: July 2025 Finance Report

Explanation: Presented is the July 2025 financial report which consists of the attached Revenue/Expenditure Report and the Cash & Investment Report. At the end of July the Town was 83.33% through the fiscal year.

Recommendation: N/A

Exhibits:

1. July 2025 Finance Report
2. Revenue_Expenditure Report July 2025
3. Cash Investment Report-July 2025

The following is a summary of the operating results through 7/31/25:

Fund	Annual Budget	Budgeted Appropriations	Budgeted Revenues	YTD Revenues		YTD Expenditures		Net Amount
			Excluding Appropriations	Amount	% of Budget	Amount	% of Budget	
General Fund	\$ 17,731,012.00		\$ 17,731,012.00	\$ 17,858,324.78	100.72%	\$ 14,442,761.60	81.45%	\$ 3,415,563.18
Building Fund	\$ 1,728,121.00	\$ 275,102.00	\$ 1,453,019.00	\$ 1,107,920.79	76.25%	\$ 983,070.71	67.66%	\$ 124,850.08
Sewer Fund	\$ 1,710,480.00	\$ 8,480.00	\$ 1,702,000.00	\$ 874,062.83	51.36%	\$ 896,549.35	52.68%	\$ (22,486.52)
Fire Fund	\$ 2,024,159.00	\$ 600,000.00	\$ 1,424,159.00	\$ 2,259,898.95	158.68%	\$ 1,088,492.80	76.43%	\$ 1,171,406.15
Capital Fund	\$ 4,052,000.00	\$ 615,000.00	\$ 3,437,000.00	\$ 2,987,000.00	86.91%	\$ 1,366,417.56	33.72%	\$ 1,620,582.44
Parking Fund	\$ 3,319,784.00	\$ 40,000.00	\$ 3,279,784.00	\$ 3,555,477.59	108.41%	\$ 2,574,090.36	77.54%	\$ 981,387.23
Grand Total	\$ 30,565,556.00	\$ 1,538,582.00	\$ 29,026,974.00	\$ 28,642,684.94		\$ 21,351,382.38		\$ 7,291,302.56

Notable items this month are as follows:

General Fund:

- Through the month of July, the Town has received a total of \$13,765,850.54 or 101.60% of Ad Valorem Property Taxes of budgeted amount. (See table below).
- Overall General Fund revenues and expenditures are within budget.

July REPORT INFORMATION					
Collection Rates	2021	2022	2023	2024	2025
November	24.52%	22.87%	22.43%	23.56%	20.53%
December	83.41%	85.70%	84.17%	83.76%	82.38%
January	87.04%	89.34%	87.32%	86.22%	85.90%
February	90.85%	92.91%	91.31%	90.48%	89.92%
March	92.83%	94.68%	93.10%	92.82%	92.41%
April	97.64%	98.37%	96.88%	96.91%	96.84%
May	98.85%	99.10%	97.86%	98.17%	97.98%
June	100.17%	99.54%	98.89%	99.20%	99.28%
July	101.51%	101.25%	101.23%	101.56%	101.60%

Building Fund:

- Building Permit Fees are within budget at 75.56%.

- Fund expenditures correlate with the revenues and through this period CAP has billed the Town for 7 months of their services, bringing Building Permit Services to 55.41%.

Sewer Fund:

- Sewer Fund revenues are slightly below the budgeted amount at 51.42%; expenses are within budget.

Fire Fund:

- Through the month of July, the Town has received a total of \$1,376,454.74 or 102.17% of Property Tax-Fire Assessment of budgeted amount. Expenditures are within budget.

Capital Project Fund:

- Activity for the month of July for capital projects is displayed in the chart below.

JULY, 2025 REPORT INFORMATION					
<u>CIP Projects</u>	<u>Budget</u>	<u>YTD Expenditures</u>	<u>July Expenditures</u>	<u>% Completion</u>	<u>Comments</u>
Town Hall/Public Safety	\$ 500,000.00	\$ -	\$ -	0.00%	No activity for the month.
El Prado Park	\$ 775,000.00	\$ 50,379.65	\$ 17,190.00	6.50%	Payments made to Hitchcock Design, Inc. & Ritzel-Mason, Inc.
Storm Water Rate Study	\$ 125,000.00	\$ -	\$ -	0.00%	No activity for the month.
Beach Portal	\$ 50,000.00	\$ -	\$ -	0.00%	No activity for the month.
FDOT A1A Pine Avenue to Palm Aire	\$ 255,000.00	\$ 244,045.00	\$ -	95.70%	No activity for the month.
Tennis Court Lighting	\$ 45,000.00	\$ 31,677.90	\$ -	70.40%	No activity for the month.
Beach Renourishment	\$ 116,667.00	\$ 116,666.67	\$ (18,977.94)	100.00%	Reversal of prior month's entry.
Staghorn Coral Painting	\$ -	\$ 9,097.66	\$ -	100.00%	Project complete.
Traffic Improvements & Calming	\$ 150,000.00	\$ 23,468.12	\$ -	15.65%	No activity for the month.
Pedestrian Amenities	\$ 75,000.00	\$ 79,129.65	\$ 33,406.80	105.51%	Payment made to Universal Signs & Accessories
Street Project-Bougainvillea/Poinciana	\$ 225,000.00	\$ -	\$ -	0.00%	No activity for the month.
Roadway Paving & Refurbishment	\$ 483,691.00	\$ 166,327.68	\$ 86,802.05	34.39%	Payment made to The Paving Lady, Inc.
Resilient Florida Program	\$ 200,000.00	\$ 56,189.45	\$ 36,305.45	28.09%	Payment made to Baxter & Woodman, Inc.
Friedt Park	\$ 725,000.00	\$ 391,625.00	\$ -	54.02%	No activity for the month.
75th Anniversary Garden	\$ 100,000.00	\$ 9,942.00	\$ -	9.94%	No activity for the month.
Totals:	\$ 3,825,358.00	\$ 1,178,548.78	\$ 154,726.36		

Parking Fund:

- Parking revenues are 107.10% of the budgeted amount. As shown in the chart below, revenues for the month of July were up 1.47% when compared to July 2024.
- Expenses are within expectations.

The chart below shows a breakdown of revenue by lots:

July, 2025		
	<u>FY2025</u>	<u>Difference</u> <u>from Prior</u> <u>Year</u>
South Ocean	\$ 27,751.63	\$ (1,293.65)
Ocean Front Meters	\$ 58,164.10	\$ 3,676.60
Commercial Blvd. Meters	\$ 13,080.44	\$ 3,462.79
Parking Meters-Beach	\$ 28,025.18	\$ 1,578.83
Palm Portal-FDG	\$ 17,324.87	\$ (264.81)
El Prado Parking Lot	\$ 63,611.36	\$ (1,511.34)
Town Hall Parking Lot	\$ 2,513.81	\$ (125.56)
El Mar Parking Lot	\$ 31,486.98	\$ 3,066.06
A1A Parking Lot	\$ 62,326.59	\$ (4,741.88)
Bougainvilla/Poinciana	\$ 27,458.94	\$ 943.18
Monthly Total: \$ 331,743.90		
<i>Difference from last year \$\$:</i> \$		4,790.22
<i>Difference from last year %:</i>		1.47%
Additional Parking Income:		
<i>Parking Permits</i>	\$ 7,768.02	
<i>Parking Fines</i>	\$ 27,765.11	
GRAND TOTAL:	\$ 367,277.03	

The top producing lots for the month of July were:

1. El Prado Parking Lot
2. A1A Parking Lot
3. Ocean Front Meters
4. Parking Meters Beach



Lauderdale-By-The-Sea, FL

Budget Report Account Summary

For Fiscal: 2024-2025 Period Ending: 07/31/2025

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
Department: 000000 - Assigned						
001-000000-380200 Appropriated Fund Balance	0.00	88,256.00	0.00	0.00	-88,256.00	0.00 %
Department: 000000 - Assigned Total:	0.00	88,256.00	0.00	0.00	-88,256.00	0.00%
Department: 301000 - Ad Valorem Property Taxes						
001-301000-311100 Ad Valorem Property Taxes	13,548,619.00	13,548,619.00	315,232.18	13,765,850.54	217,231.54	101.60 %
Department: 301000 - Ad Valorem Property Taxes Total:	13,548,619.00	13,548,619.00	315,232.18	13,765,850.54	217,231.54	101.60%
Department: 301100 - Utility Taxes						
001-301100-311101 Fpl Utility Tax	986,700.00	986,700.00	110,001.30	822,074.14	-164,625.86	83.32 %
001-301100-311440 Gas Utility Tax	23,000.00	23,000.00	13.53	15,589.23	-7,410.77	67.78 %
001-301100-314300 Water Utility Tax	189,000.00	189,000.00	23,891.70	163,544.97	-25,455.03	86.53 %
Department: 301100 - Utility Taxes Total:	1,198,700.00	1,198,700.00	133,906.53	1,001,208.34	-197,491.66	83.52%
Department: 301600 - Franchise Taxes						
001-301600-313100 Fl Power & Light Franchise	670,000.00	670,000.00	63,892.26	546,073.50	-123,926.50	81.50 %
001-301600-313300 Waste Franchise Collection	161,999.00	161,999.00	9,881.38	107,932.85	-54,066.15	66.63 %
001-301600-313301 Waste Franchise Adm-fee	9,000.00	9,000.00	0.00	0.00	-9,000.00	0.00 %
001-301600-313400 Gas Franchise	23,000.00	23,000.00	2,630.11	21,341.26	-1,658.74	92.79 %
001-301600-313600 Towing Franchise Fees	800.00	800.00	0.00	0.00	-800.00	0.00 %
Department: 301600 - Franchise Taxes Total:	864,799.00	864,799.00	76,403.75	675,347.61	-189,451.39	78.09%
Department: 302000 - Licenses & Permits						
001-302000-321100 Business License Taxes	100,000.00	100,000.00	8,981.21	101,205.20	1,205.20	101.21 %
001-302000-321110 Sidewalk Cafe Row	85,000.00	139,000.00	6,800.00	130,160.00	-8,840.00	93.64 %
001-302000-322150 Miscellaneous Permits	700.00	700.00	50.00	185.00	-515.00	26.43 %
001-302000-322250 Development Services Applications	1,000.00	1,000.00	0.00	355.00	-645.00	35.50 %
001-302000-322400 Sign Permits	500.00	500.00	100.00	800.00	300.00	160.00 %
Department: 302000 - Licenses & Permits Total:	187,200.00	241,200.00	15,931.21	232,705.20	-8,494.80	96.48%
Department: 303000 - Intergovernmental Revenues						
001-303000-311120 Municipal Revenue Sharing	185,000.00	185,000.00	17,907.52	162,250.65	-22,749.35	87.70 %
001-303000-311150 Alcoholic Beverage License	17,000.00	17,000.00	0.00	15,642.12	-1,357.88	92.01 %
001-303000-311180 Sales Tax	525,000.00	525,000.00	39,608.00	323,939.83	-201,060.17	61.70 %
001-303000-312410 Local Op Gas Tax 1 - 6 Cent	67,500.00	103,347.00	21,456.80	193,405.41	90,058.41	187.14 %
001-303000-312420 Local Op Gas Tax 2 - 5 Cent	48,000.00	53,512.00	5,009.84	48,464.28	-5,047.72	90.57 %
001-303000-315100 Communication Service Tax	327,000.00	327,000.00	21,467.94	251,675.36	-75,324.64	76.96 %
001-303000-334915 Fdot-reimbursable Grant	34,384.00	34,384.00	0.00	36,475.92	2,091.92	106.08 %
Department: 303000 - Intergovernmental Revenues Total:	1,203,884.00	1,245,243.00	105,450.10	1,031,853.57	-213,389.43	82.86%
Department: 304000 - Charges for Services						
001-304000-343902 Site Plan Application Fees	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
001-304000-347500 Tennis - Shuffle Key	5,250.00	5,250.00	720.00	12,960.00	7,710.00	246.86 %
Department: 304000 - Charges for Services Total:	7,250.00	7,250.00	720.00	12,960.00	5,710.00	178.76%
Department: 305000 - Fines & Forfeitures						
001-305000-354150 Fines,trafficviolation,citatio	30,000.00	30,000.00	1,729.92	23,694.58	-6,305.42	78.98 %
001-305000-354160 Code Enforcement Fines	55,000.00	55,000.00	13,325.00	48,035.30	-6,964.70	87.34 %
001-305000-359100 Other Fines & Alarms	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
Department: 305000 - Fines & Forfeitures Total:	87,000.00	87,000.00	15,054.92	71,729.88	-15,270.12	82.45%
Department: 306000 - Miscellaneous Revenues						
001-306000-361100 Interest Earnings	112,335.00	654,355.00	67,903.82	589,765.77	-64,589.23	90.13 %
001-306000-362000 Rent/lease Royalties	129,675.00	132,275.00	11,025.00	110,225.00	-22,050.00	83.33 %
001-306000-365400 Recycling Revenue	5,000.00	5,000.00	0.00	0.00	-5,000.00	0.00 %
001-306000-366100 Donations	13,500.00	13,500.00	0.00	2,000.00	-11,500.00	14.81 %
001-306000-369100 Miscellaneous Revenues	75,050.00	75,050.00	4,992.85	62,771.29	-12,278.71	83.64 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-306000-369200	Miscellaneous Applications	5,000.00	13,795.00	840.00	14,365.00	570.00	104.13 %
001-306000-369201	Miscellaneous Merchandisesales	5,000.00	5,000.00	0.00	3,767.59	-1,232.41	75.35 %
001-306000-369250	Recreational Activities Fee	17,500.00	17,500.00	260.00	20,680.00	3,180.00	118.17 %
001-306000-369500	miscellaneous Lobbyist	500.00	500.00	0.00	500.00	0.00	100.00 %
001-306000-369901	Insurance Reimbursement	20,000.00	20,000.00	0.00	12,594.99	-7,405.01	62.97 %
Department: 306000 - Miscellaneous Revenues Total:		383,560.00	936,975.00	85,021.67	816,669.64	-120,305.36	87.16%
Department: 511000 - Commission							
001-511000-500110	Commission Salaries	135,000.00	135,000.00	10,000.84	102,669.13	32,330.87	76.05 %
001-511000-500210	Employer Fica Taxes	10,450.00	10,450.00	529.90	5,409.24	5,040.76	51.76 %
001-511000-500220	Retirement	60,750.00	60,750.00	4,407.50	44,186.31	16,563.69	72.73 %
001-511000-500230	Group Insurance	92,000.00	92,000.00	2,276.10	34,014.21	57,985.79	36.97 %
001-511000-500345	Contractual Services	16,000.00	16,000.00	318.75	4,499.50	11,500.50	28.12 %
001-511000-500510	Office Supplies	1,500.00	1,500.00	0.00	75.19	1,424.81	5.01 %
001-511000-500512	Elections	4,000.00	4,000.00	0.00	3,493.00	507.00	87.33 %
001-511000-500525	Uniform Expense	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
001-511000-500540	Dues & Subscriptions	3,250.00	3,250.00	0.00	1,380.00	1,870.00	42.46 %
001-511000-500545	Training	12,500.00	12,500.00	879.50	3,732.22	8,767.78	29.86 %
001-511000-500550	Operating Expenses	15,200.00	15,200.00	121.68	10,848.44	4,351.56	71.37 %
Department: 511000 - Commission Total:		352,150.00	352,150.00	18,534.27	210,307.24	141,842.76	59.72%
Department: 511100 - Donation-Non Profits							
001-511100-500820	Donations-aids To Private Org	68,500.00	68,500.00	187.25	66,227.41	2,272.59	96.68 %
Department: 511100 - Donation-Non Profits Total:		68,500.00	68,500.00	187.25	66,227.41	2,272.59	96.68%
Department: 511200 - Visitor Center							
001-511200-500120	Regular Salaries	80,815.00	80,815.00	3,339.00	38,483.50	42,331.50	47.62 %
001-511200-500210	Employer Fica Taxes	6,265.00	6,265.00	255.43	2,909.08	3,355.92	46.43 %
001-511200-500220	Retirement	13,786.00	13,786.00	667.03	7,180.30	6,605.70	52.08 %
001-511200-500230	Group Insurance	3,450.00	3,450.00	167.17	1,795.71	1,654.29	52.05 %
001-511200-500311	Advertisements	3,000.00	3,000.00	0.00	475.00	2,525.00	15.83 %
001-511200-500340	Sewer/wastewater	4,410.00	4,410.00	317.56	2,717.28	1,692.72	61.62 %
001-511200-500345	Contractual Services	6,000.00	6,000.00	28.33	1,197.08	4,802.92	19.95 %
001-511200-500430	Electric Service	2,100.00	2,100.00	123.14	1,100.30	999.70	52.40 %
001-511200-500431	Water Service	5,300.00	5,300.00	427.05	4,087.49	1,212.51	77.12 %
001-511200-500463	Service Maintenance Contracts	3,150.00	3,150.00	0.00	891.22	2,258.78	28.29 %
001-511200-500495	Special Events	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
001-511200-500506	Printing & Binding	3,065.00	3,065.00	0.00	1,498.50	1,566.50	48.89 %
001-511200-500520	Bldg. Maintenance	5,000.00	5,000.00	274.66	1,772.64	3,227.36	35.45 %
001-511200-500550	Operating Expenses	5,000.00	5,000.00	125.36	2,956.51	2,043.49	59.13 %
Department: 511200 - Visitor Center Total:		142,341.00	142,341.00	5,724.73	67,064.61	75,276.39	47.12%
Department: 513000 - Administration							
001-513000-500120	Regular Salaries	665,203.00	772,186.00	56,910.46	552,541.91	219,644.09	71.56 %
001-513000-500140	Overtime Salaries	5,500.00	5,500.00	0.00	796.43	4,703.57	14.48 %
001-513000-500210	Employer Fica Taxes	51,425.00	51,425.00	4,406.80	40,673.60	10,751.40	79.09 %
001-513000-500220	Retirement	154,950.00	169,334.00	14,511.92	142,856.31	26,477.69	84.36 %
001-513000-500230	Group Insurance	155,250.00	155,250.00	7,748.11	95,859.88	59,390.12	61.75 %
001-513000-500315	Professional Services	36,000.00	36,000.00	8,400.00	26,964.00	9,036.00	74.90 %
001-513000-500320	Audit Expense	47,000.00	47,000.00	0.00	30,000.00	17,000.00	63.83 %
001-513000-500344	Hr Expenses	5,000.00	5,000.00	437.50	3,824.61	1,175.39	76.49 %
001-513000-500345	Contractual Services	98,100.00	98,100.00	9,508.76	55,985.88	42,114.12	57.07 %
001-513000-500463	Service Maintenance Contracts	54,800.00	54,800.00	819.23	36,645.45	18,154.55	66.87 %
001-513000-500506	Printing & Binding	3,000.00	3,000.00	719.00	1,948.09	1,051.91	64.94 %
001-513000-500508	Postage	5,000.00	5,000.00	2,517.19	7,750.50	-2,750.50	155.01 %
001-513000-500510	Office Supplies	6,700.00	6,700.00	84.89	3,151.42	3,548.58	47.04 %
001-513000-500525	Uniform Expense	1,087.00	1,087.00	0.00	206.46	880.54	18.99 %
001-513000-500540	Dues & Subscriptions	9,900.00	9,900.00	1,304.80	5,054.03	4,845.97	51.05 %
001-513000-500545	Training	27,000.00	27,000.00	1,947.42	9,863.19	17,136.81	36.53 %
001-513000-500550	Operating Expenses	26,000.00	26,000.00	671.89	11,452.17	14,547.83	44.05 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-513000-500640	Capital Outlay - Equipmt & Mach	30,000.00	30,000.00	0.00	0.00	30,000.00	0.00 %
Department: 513000 - Administration Total:		1,381,915.00	1,503,282.00	109,987.97	1,025,573.93	477,708.07	68.22%
Department: 514000 - Town Attorney							
001-514000-500310	Legal Expense	360,000.00	360,000.00	22,647.14	228,725.84	131,274.16	63.53 %
001-514000-500314	Litigation	48,000.00	48,000.00	0.00	0.00	48,000.00	0.00 %
Department: 514000 - Town Attorney Total:		408,000.00	408,000.00	22,647.14	228,725.84	179,274.16	56.06%
Department: 519000 - General							
001-519000-500311	Advertisements	5,000.00	5,000.00	0.00	5,304.50	-304.50	106.09 %
001-519000-500315	Professional Services	139,500.00	139,500.00	1,515.39	78,363.06	61,136.94	56.17 %
001-519000-500345	Contractual Services	83,200.00	83,200.00	0.00	34,876.97	48,323.03	41.92 %
001-519000-500349	Community Mobility Services	250,000.00	250,000.00	17,489.67	160,970.91	89,029.09	64.39 %
001-519000-500451	Auto, Property & Liability Ins	308,300.00	308,300.00	0.00	281,088.66	27,211.34	91.17 %
001-519000-500452	Workers Compensation Insur	90,200.00	90,200.00	0.00	39,054.25	51,145.75	43.30 %
001-519000-500463	Service Maintenance Contracts	23,100.00	23,100.00	0.00	6,000.00	17,100.00	25.97 %
001-519000-500497	Contingency	190,000.00	190,000.00	0.00	39,345.49	150,654.51	20.71 %
001-519000-500506	Printing & Binding	0.00	0.00	0.00	3,943.25	-3,943.25	0.00 %
001-519000-500540	Dues & Subscriptions	0.00	0.00	0.00	250.00	-250.00	0.00 %
001-519000-500550	Operating Expenses	96,600.00	96,600.00	49.99	79,511.19	17,088.81	82.31 %
001-519000-500552	Recycling And Solid Waste Exp	70,000.00	70,000.00	3,693.43	38,805.95	31,194.05	55.44 %
001-519000-500640	Capital Outlay - Equipmt & Mach	40,000.00	40,000.00	0.00	25,636.02	14,363.98	64.09 %
Department: 519000 - General Total:		1,295,900.00	1,295,900.00	22,748.48	793,150.25	502,749.75	61.20%
Department: 519100 - Tourism and Community Outreach							
001-519100-500120	Regular Salaries	90,000.00	90,000.00	5,694.78	58,086.76	31,913.24	64.54 %
001-519100-500210	Employer Fica Taxes	7,000.00	7,000.00	435.98	4,446.83	2,553.17	63.53 %
001-519100-500220	Retirement	12,500.00	12,500.00	776.20	7,744.40	4,755.60	61.96 %
001-519100-500230	Group Insurance	20,000.00	20,000.00	1,093.66	13,436.60	6,563.40	67.18 %
001-519100-500311	Advertisements	12,000.00	12,000.00	0.00	2,645.00	9,355.00	22.04 %
001-519100-500315	Professional Services	166,000.00	166,000.00	15,208.96	115,742.34	50,257.66	69.72 %
001-519100-500345	Contractual Services	6,750.00	6,750.00	22.17	2,378.81	4,371.19	35.24 %
001-519100-500347	Programs	12,300.00	12,300.00	0.00	8,837.51	3,462.49	71.85 %
001-519100-500495	Special Events	277,100.00	277,100.00	26,172.63	165,802.27	111,297.73	59.83 %
001-519100-500506	Printing & Binding	44,000.00	44,000.00	743.75	17,118.36	26,881.64	38.91 %
001-519100-500540	Dues & Subscriptions	1,900.00	1,900.00	0.00	456.67	1,443.33	24.04 %
001-519100-500545	Training	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
001-519100-500550	Operating Expenses	2,000.00	2,000.00	0.00	273.72	1,726.28	13.69 %
Department: 519100 - Tourism and Community Outreach Total:		653,550.00	653,550.00	50,148.13	396,969.27	256,580.73	60.74%
Department: 521000 - Police Department							
001-521000-500141	Bso Overtime	100,000.00	100,000.00	10,366.41	84,101.34	15,898.66	84.10 %
001-521000-500345	Contractual Services	6,321,135.00	6,321,135.00	527,029.92	5,764,249.91	556,885.09	91.19 %
001-521000-500352	Contract Services	5,500.00	5,500.00	0.00	4,996.19	503.81	90.84 %
001-521000-500640	Capital Outlay - Equipmt & Mach	12,500.00	12,500.00	0.00	12,200.26	299.74	97.60 %
Department: 521000 - Police Department Total:		6,439,135.00	6,439,135.00	537,396.33	5,865,547.70	573,587.30	91.09%
Department: 523000 - Emergency Medical Services							
001-523000-500345	Contractual Services	519,680.00	519,680.00	124,775.00	493,062.50	26,617.50	94.88 %
Department: 523000 - Emergency Medical Services Total:		519,680.00	519,680.00	124,775.00	493,062.50	26,617.50	94.88%
Department: 524000 - Development Services							
001-524000-500120	Regular Salaries	295,900.00	362,930.00	37,312.97	309,787.62	53,142.38	85.36 %
001-524000-500121	Temporary Salaries/ Interns	7,000.00	0.00	0.00	0.00	0.00	0.00 %
001-524000-500140	Overtime Salaries	6,000.00	6,000.00	607.88	4,037.02	1,962.98	67.28 %
001-524000-500210	Employer Fica Taxes	22,925.00	33,775.00	3,159.65	29,270.61	4,504.39	86.66 %
001-524000-500220	Retirement	59,275.00	69,275.00	6,008.89	53,561.19	15,713.81	77.32 %
001-524000-500230	Group Insurance	87,000.00	87,000.00	7,406.99	72,043.27	14,956.73	82.81 %
001-524000-500310	Legal Expense	0.00	0.00	0.00	1,210.30	-1,210.30	0.00 %
001-524000-500315	Professional Services	60,000.00	60,000.00	-15,615.50	854.24	59,145.76	1.42 %
001-524000-500345	Contractual Services	539,952.00	415,610.00	7,323.09	101,401.38	314,208.62	24.40 %
001-524000-500462	Fuel	0.00	0.00	-154.57	0.00	0.00	0.00 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-524000-500463	Service Maintenance Contracts	4,000.00	4,000.00	0.00	0.00	4,000.00	0.00 %
001-524000-500506	Printing & Binding	3,000.00	3,000.00	109.54	740.69	2,259.31	24.69 %
001-524000-500508	Postage	3,000.00	3,000.00	0.00	1,145.11	1,854.89	38.17 %
001-524000-500510	Office Supplies	2,500.00	2,500.00	0.00	946.30	1,553.70	37.85 %
001-524000-500525	Uniform Expense	600.00	600.00	697.88	1,093.64	-493.64	182.27 %
001-524000-500540	Dues & Subscriptions	5,000.00	5,000.00	200.00	2,220.97	2,779.03	44.42 %
001-524000-500545	Training	8,000.00	8,000.00	1,299.91	3,330.40	4,669.60	41.63 %
001-524000-500550	Operating Expenses	11,000.00	11,000.00	6,956.66	31,771.03	-20,771.03	288.83 %
Department: 524000 - Development Services Total:		1,115,152.00	1,071,690.00	55,313.39	613,413.77	458,276.23	57.24%
Department: 541100 - Mun Srvsc - Public Works Div							
001-541100-500120	Regular Salaries	1,124,881.00	1,124,881.00	76,769.29	759,988.96	364,892.04	67.56 %
001-541100-500140	Overtime Salaries	71,500.00	71,500.00	6,186.55	60,264.72	11,235.28	84.29 %
001-541100-500210	Employer Fica Taxes	87,300.00	87,300.00	6,479.21	64,224.29	23,075.71	73.57 %
001-541100-500220	Retirement	171,250.00	171,250.00	12,222.02	130,210.53	41,039.47	76.04 %
001-541100-500230	Group Insurance	327,750.00	327,750.00	17,798.40	226,362.81	101,387.19	69.07 %
001-541100-500315	Professional Services	65,000.00	65,000.00	6,485.82	27,683.95	37,316.05	42.59 %
001-541100-500340	Sewer/wastewater	18,000.00	18,000.00	1,662.93	13,737.28	4,262.72	76.32 %
001-541100-500345	Contractual Services	625,500.00	625,500.00	39,778.00	434,081.00	191,419.00	69.40 %
001-541100-500410	Communications	65,000.00	65,000.00	6,558.52	69,258.09	-4,258.09	106.55 %
001-541100-500430	Electric Service	58,000.00	58,000.00	5,631.44	48,123.71	9,876.29	82.97 %
001-541100-500431	Water Service	225,000.00	225,000.00	26,464.50	208,367.23	16,632.77	92.61 %
001-541100-500433	Electric Service-streets	70,000.00	70,000.00	5,667.79	55,308.05	14,691.95	79.01 %
001-541100-500445	Equip Rent/lease	30,000.00	30,000.00	-844.05	40,812.61	-10,812.61	136.04 %
001-541100-500460	Equipment Maintenance	45,000.00	45,000.00	2,479.27	54,476.26	-9,476.26	121.06 %
001-541100-500461	Vehicle Maintenance	25,000.00	25,000.00	15.99	11,988.38	13,011.62	47.95 %
001-541100-500462	Fuel	60,000.00	60,000.00	2,532.10	22,746.13	37,253.87	37.91 %
001-541100-500463	Service Maintenance Contracts	21,000.00	21,000.00	-104.53	17,849.06	3,150.94	85.00 %
001-541100-500469	Buoy Maintenance	17,000.00	17,000.00	0.00	0.00	17,000.00	0.00 %
001-541100-500470	Radio Maintenance	3,000.00	3,000.00	0.00	3,900.00	-900.00	130.00 %
001-541100-500498	Storm Drain Rehab/maint	100,000.00	100,000.00	0.00	4,888.00	95,112.00	4.89 %
001-541100-500508	Postage	300.00	300.00	0.00	223.21	76.79	74.40 %
001-541100-500510	Office Supplies	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
001-541100-500520	Bldg. Maintenance	153,500.00	153,500.00	6,764.95	96,206.57	57,293.43	62.68 %
001-541100-500525	Uniform Expense	30,000.00	30,000.00	0.00	19,998.12	10,001.88	66.66 %
001-541100-500529	Street Light Maintenance	70,000.00	70,000.00	15,106.02	35,221.40	34,778.60	50.32 %
001-541100-500530	Street Maint Repair Supply	85,000.00	85,000.00	-2,890.00	25,703.54	59,296.46	30.24 %
001-541100-500531	Grounds Maint/landscaping	55,000.00	55,000.00	0.00	33,829.38	21,170.62	61.51 %
001-541100-500532	Signs	12,500.00	12,500.00	710.90	9,343.38	3,156.62	74.75 %
001-541100-500534	Sidewalk Maint Repair	7,500.00	7,500.00	0.00	0.00	7,500.00	0.00 %
001-541100-500535	Flags	3,250.00	3,250.00	215.80	5,169.89	-1,919.89	159.07 %
001-541100-500536	Sea Oats	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
001-541100-500540	Dues & Subscriptions	4,000.00	4,000.00	25.00	2,199.80	1,800.20	55.00 %
001-541100-500545	Training	8,000.00	8,000.00	1,149.82	1,669.82	6,330.18	20.87 %
001-541100-500547	Hurricane Expenditure	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
001-541100-500550	Operating Expenses	150,000.00	150,000.00	11,330.31	116,211.87	33,788.13	77.47 %
001-541100-500624	Capital Outlay-bldg. Improvemnt	70,000.00	70,000.00	1,106.00	14,804.19	55,195.81	21.15 %
001-541100-500640	Capital Outlay - Equip & Mach	45,000.00	45,000.00	1,512.00	11,341.46	33,658.54	25.20 %
001-541100-500644	Capital Outlay-vehicles	57,459.00	57,459.00	3,413.12	39,788.67	17,670.33	69.25 %
Department: 541100 - Mun Srvsc - Public Works Div Total:		3,982,690.00	3,982,690.00	254,227.17	2,665,982.36	1,316,707.64	66.94%
Department: 572000 - Recreation							
001-572000-500342	Senior Rec. Ctr. Contract	113,999.00	113,999.00	17,327.24	99,590.52	14,408.48	87.36 %
001-572000-500463	Service Maintenance Contracts	2,500.00	2,500.00	158.96	1,615.31	884.69	64.61 %
001-572000-500510	Office Supplies	500.00	500.00	1,405.89	1,405.89	-905.89	281.18 %
Department: 572000 - Recreation Total:		116,999.00	116,999.00	18,892.09	102,611.72	14,387.28	87.70%
Department: 581100 - Interfund Transfers							
001-581100-380102	Transfer From Bldg-oh Costs	200,000.00	200,000.00	100,000.00	200,000.00	0.00	100.00 %
001-581100-380115	Transfer From Fire - Oh Costs	50,000.00	50,000.00	25,000.00	50,000.00	0.00	100.00 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-581100-500910	Transfer To Cip Fund	1,255,000.00	1,255,000.00	627,500.00	1,255,000.00	0.00	100.00 %
001-581100-500916	Transfer to Fire	0.00	659,125.00	0.00	659,125.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Surplus (Deficit):		-1,005,000.00	-1,664,125.00	-502,500.00	-1,664,125.00	0.00	100.00%
Fund: 001 - General Fund Surplus (Deficit):		0.00	0.00	-975,361.59	3,415,563.18	3,415,563.18	0.00%
Fund: 101 - Special Revenue-Police Conf							
Department: 306000 - Miscellaneous Revenues							
101-306000-369100	Miscellaneous Revenues	0.00	0.00	0.00	391.11	391.11	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 101 - Special Revenue-Police Conf Total:		0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 102 - Building Fund							
Department: 000000 - Assigned							
102-000000-380200	Appropriated Fund Balance	275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00 %
Department: 000000 - Assigned Total:		275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00%
Department: 302100 - Building Permit and Inpection							
102-302100-322100	Building Permits	1,393,019.00	1,393,019.00	99,215.42	1,052,545.92	-340,473.08	75.56 %
102-302100-322105	Fire Plan Review Fees	60,000.00	60,000.00	623.06	55,362.62	-4,637.38	92.27 %
102-302100-322106	Building Recording Fee	0.00	0.00	0.00	12.25	12.25	0.00 %
Department: 302100 - Building Permit and Inpection Total:		1,453,019.00	1,453,019.00	99,838.48	1,107,920.79	-345,098.21	76.25%
Department: 524100 - Building							
102-524100-500120	Regular Salaries	215,721.00	215,721.00	14,323.14	114,749.03	100,971.97	53.19 %
102-524100-500121	Temporary Salaries/ Interns	8,000.00	8,000.00	0.00	0.00	8,000.00	0.00 %
102-524100-500210	Employer Fica Taxes	17,400.00	17,400.00	964.37	4,430.41	12,969.59	25.46 %
102-524100-500220	Retirement	48,000.00	48,000.00	3,095.12	25,824.17	22,175.83	53.80 %
102-524100-500230	Group Insurance	80,000.00	80,000.00	413.35	30,806.88	49,193.12	38.51 %
102-524100-500310	Legal Expense	0.00	0.00	-651.70	-133.00	133.00	0.00 %
102-524100-500315	Professional Services	175,000.00	175,000.00	5,096.48	37,050.11	137,949.89	21.17 %
102-524100-500345	Contractual Services	79,000.00	79,000.00	1,090.00	64,172.96	14,827.04	81.23 %
102-524100-500402	Building Permit Services	900,000.00	900,000.00	200,376.35	498,671.28	401,328.72	55.41 %
102-524100-500463	Service Maintenance Contracts	3,000.00	3,000.00	0.00	5,153.25	-2,153.25	171.78 %
102-524100-500550	Operating Expenses	2,000.00	2,000.00	-6,263.41	2,345.62	-345.62	117.28 %
102-524100-581001	Transfer To GF-OH Costs	200,000.00	200,000.00	100,000.00	200,000.00	0.00	100.00 %
Department: 524100 - Building Total:		1,728,121.00	1,728,121.00	318,443.70	983,070.71	745,050.29	56.89%
Fund: 102 - Building Fund Surplus (Deficit):		0.00	0.00	-218,605.22	124,850.08	124,850.08	0.00%
Fund: 103 - Sewer Fund							
Department: 000000 - Assigned							
103-000000-380200	Appropriated Fund Balance	8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00 %
Department: 000000 - Assigned Total:		8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00%
Department: 304000 - Charges for Services							
103-304000-343500	Sewer Fees	1,700,000.00	1,700,000.00	158,296.85	874,062.83	-825,937.17	51.42 %
Department: 304000 - Charges for Services Total:		1,700,000.00	1,700,000.00	158,296.85	874,062.83	-825,937.17	51.42%
Department: 306000 - Miscellaneous Revenues							
103-306000-361100	Interest Earnings	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00%
Department: 535000 - Sanitary Sewers							
103-535000-500120	Regular Salaries	112,900.00	112,900.00	9,085.45	86,383.29	26,516.71	76.51 %
103-535000-500140	Overtime Salaries	6,600.00	6,600.00	277.39	2,550.35	4,049.65	38.64 %
103-535000-500210	Employer Fica Taxes	8,637.00	8,637.00	713.92	6,886.24	1,750.76	79.73 %
103-535000-500220	Retirement	23,325.00	23,325.00	1,820.92	18,070.18	5,254.82	77.47 %
103-535000-500230	Group Insurance	42,100.00	42,100.00	246.62	22,083.06	20,016.94	52.45 %
103-535000-500340	Sewer/wastewater	1,010,000.00	1,010,000.00	55,888.20	696,596.77	313,403.23	68.97 %
103-535000-500345	Contractual Services	65,000.00	65,000.00	1,198.21	7,813.19	57,186.81	12.02 %
103-535000-500430	Electric Service	30,000.00	30,000.00	1,272.33	15,999.34	14,000.66	53.33 %
103-535000-500431	Water Service	500.00	500.00	29.41	403.27	96.73	80.65 %
103-535000-500459	Sewer Line Maintenance	200,000.00	200,000.00	0.00	38,771.86	161,228.14	19.39 %
103-535000-500465	Pump Station Maintenance	3,000.00	3,000.00	0.00	473.80	2,526.20	15.79 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
103-535000-500497	Contingency	100,000.00	100,000.00	0.00	0.00	100,000.00	0.00 %
103-535000-500506	Printing & Binding	1,250.00	1,250.00	0.00	518.00	732.00	41.44 %
103-535000-500550	Operating Expenses	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
103-535000-500630	Cap Outlay Imp Other Than Bldg	105,168.00	105,168.00	0.00	0.00	105,168.00	0.00 %
Department: 535000 - Sanitary Sewers Total:		1,710,480.00	1,710,480.00	70,532.45	896,549.35	813,930.65	52.42%
Fund: 103 - Sewer Fund Surplus (Deficit):		0.00	0.00	87,764.40	-22,486.52	-22,486.52	0.00%
Fund: 115 - Fire Fund							
Department: 000000 - Assigned							
115-000000-380203	Appropriation From Fire Fund	600,000.00	0.00	0.00	0.00	0.00	0.00 %
Department: 000000 - Assigned Total:		600,000.00	0.00	0.00	0.00	0.00	0.00%
Department: 301050 - Fire Assessment							
115-301050-311200	Property Tax-fire Assessment	1,347,159.00	1,347,159.00	29,673.03	1,376,454.74	29,295.74	102.17 %
Department: 301050 - Fire Assessment Total:		1,347,159.00	1,347,159.00	29,673.03	1,376,454.74	29,295.74	102.17%
Department: 304000 - Charges for Services							
115-304000-342210	Fire Inspection Fees	77,000.00	77,000.00	8,092.00	86,636.83	9,636.83	112.52 %
Department: 304000 - Charges for Services Total:		77,000.00	77,000.00	8,092.00	86,636.83	9,636.83	112.52%
Department: 306000 - Miscellaneous Revenues							
115-306000-369100	Miscellaneous Revenues	0.00	137,682.00	0.00	137,682.38	0.38	100.00 %
Department: 306000 - Miscellaneous Revenues Total:		0.00	137,682.00	0.00	137,682.38	0.38	100.00%
Department: 522000 - Fire Department							
115-522000-500310	Legal Expense	0.00	0.00	133.00	26,653.20	-26,653.20	0.00 %
115-522000-500315	Professional Services	83,000.00	178,819.00	0.00	86,527.10	92,291.90	48.39 %
115-522000-500345	Contractual Services	987,100.00	1,011,675.00	132,475.00	925,312.50	86,362.50	91.46 %
115-522000-500520	Bldg. Maintenance	4,059.00	4,059.00	0.00	0.00	4,059.00	0.00 %
115-522000-500624	Capital Outlay-bldg. Improvem	900,000.00	900,000.00	0.00	0.00	900,000.00	0.00 %
115-522000-500646	Capital Outlay-Reserves	0.00	76,413.00	0.00	0.00	76,413.00	0.00 %
115-522000-500912	Transfer To General Fund	50,000.00	50,000.00	25,000.00	50,000.00	0.00	100.00 %
Department: 522000 - Fire Department Total:		2,024,159.00	2,220,966.00	157,608.00	1,088,492.80	1,132,473.20	49.01%
Department: 581100 - Interfund Transfers							
115-581100-381105	Transfer From General Fund	0.00	659,125.00	0.00	659,125.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:		0.00	659,125.00	0.00	659,125.00	0.00	100.00%
Fund: 115 - Fire Fund Surplus (Deficit):		0.00	0.00	-119,842.97	1,171,406.15	1,171,406.15	0.00%
Fund: 300 - Capital Project Fund							
Department: 000000 - Assigned							
300-000000-380200	Appropriated Fund Balance	615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00 %
Department: 000000 - Assigned Total:		615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00%
Department: 303000 - Intergovernmental Revenues							
300-303000-334920	Beach Portal-Funding	50,000.00	50,000.00	0.00	0.00	-50,000.00	0.00 %
300-303000-334929	Friedt Park Funding	200,000.00	200,000.00	0.00	0.00	-200,000.00	0.00 %
300-303000-334933	Resilient Florida Program (DEP) Gra...	200,000.00	200,000.00	0.00	0.00	-200,000.00	0.00 %
Department: 303000 - Intergovernmental Revenues Total:		450,000.00	450,000.00	0.00	0.00	-450,000.00	0.00%
Department: 519000 - General							
300-519000-500120	Regular Salaries	86,657.00	86,657.00	7,592.58	67,768.09	18,888.91	78.20 %
300-519000-500140	Overtime Salaries	0.00	0.00	-892.88	0.00	0.00	0.00 %
300-519000-500210	Employer Fica Taxes	6,630.00	6,630.00	512.53	5,115.93	1,514.07	77.16 %
300-519000-500220	Retirement	24,380.00	24,380.00	1,837.09	17,798.45	6,581.55	73.00 %
300-519000-500230	Group Insurance	18,975.00	18,975.00	1,016.65	12,094.49	6,880.51	63.74 %
300-519000-500640	Capital Outlay - Equipt & Mach	90,000.00	90,000.00	4,068.91	85,091.82	4,908.18	94.55 %
Department: 519000 - General Total:		226,642.00	226,642.00	14,134.88	187,868.78	38,773.22	82.89%
Department: 519161 - Town Hall / Public Safety							
300-519161-500629	Capital Outlay - Design/permit	500,000.00	500,000.00	0.00	0.00	500,000.00	0.00 %
Department: 519161 - Town Hall / Public Safety Total:		500,000.00	500,000.00	0.00	0.00	500,000.00	0.00%

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Department: 545170 - El Prado Park						
300-545170-500630 Cap Outlay Imp Other Than Bldg	775,000.00	775,000.00	17,190.00	50,379.65	724,620.35	6.50 %
Department: 545170 - El Prado Park Total:	775,000.00	775,000.00	17,190.00	50,379.65	724,620.35	6.50%
Department: 559027 - Storm Water Rate Study						
300-559027-500630 Cap Outlay Imp Other Than Bldg	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00 %
Department: 559027 - Storm Water Rate Study Total:	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
Department: 572102 - Beach Portal						
300-572102-500629 Capital Outlay - Design/permit	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00 %
Department: 572102 - Beach Portal Total:	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00%
Department: 572108 - FDOT A1A Pine Ave to Palm Ave						
300-572108-500630 Cap Outlay Imp other than bldg	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70 %
Department: 572108 - FDOT A1A Pine Ave to Palm Ave Total:	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70%
Department: 572110 - Tennis Court Lighting						
300-572110-500630 Cap Outlay Imp other than bldg	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40 %
Department: 572110 - Tennis Court Lighting Total:	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40%
Department: 572200 - Beach Renourishment						
300-572200-500630 Cap Outlay Imp Other Than Bldg	116,667.00	116,667.00	-18,977.94	116,666.67	0.33	100.00 %
Department: 572200 - Beach Renourishment Total:	116,667.00	116,667.00	-18,977.94	116,666.67	0.33	100.00%
Department: 572201 - Staghorn Coral Painting						
300-572201-500630 Cap Outlay Imp Other Than Bldg	0.00	0.00	0.00	9,097.66	-9,097.66	0.00 %
Department: 572201 - Staghorn Coral Painting Total:	0.00	0.00	0.00	9,097.66	-9,097.66	0.00%
Department: 575200 - Traffic Improvements & Calming						
300-575200-500630 Cap Outlay Imp Other Than Bldg	150,000.00	150,000.00	0.00	23,468.12	126,531.88	15.65 %
Department: 575200 - Traffic Improvements & Calming Total:	150,000.00	150,000.00	0.00	23,468.12	126,531.88	15.65%
Department: 575201 - Pedestrian Amenities						
300-575201-500630 Cap Outlay Imp Other Than Bldg	75,000.00	75,000.00	33,406.80	79,129.65	-4,129.65	105.51 %
Department: 575201 - Pedestrian Amenities Total:	75,000.00	75,000.00	33,406.80	79,129.65	-4,129.65	105.51%
Department: 576136 - Street Proj.Bougain.Poinciana						
300-576136-500629 Capital Outlay - Design/permit	225,000.00	225,000.00	0.00	0.00	225,000.00	0.00 %
Department: 576136 - Street Proj.Bougain.Poinciana Total:	225,000.00	225,000.00	0.00	0.00	225,000.00	0.00%
Department: 576138 - Roadway Paving & Refurbishment						
300-576138-500630 Cap Outlay Imp Other Than Bldg	483,691.00	483,691.00	86,802.05	166,327.68	317,363.32	34.39 %
Department: 576138 - Roadway Paving & Refurbishment Total:	483,691.00	483,691.00	86,802.05	166,327.68	317,363.32	34.39%
Department: 576305 - Resilient Florida Program -Project						
300-576305-500630 Cap Outlay Imp other than bldg	200,000.00	200,000.00	36,305.45	56,189.45	143,810.55	28.09 %
Department: 576305 - Resilient Florida Program -Project Total:	200,000.00	200,000.00	36,305.45	56,189.45	143,810.55	28.09%
Department: 577100 - Friedt Park						
300-577100-500630 Cap Outlay Imp Other Than Bldg	725,000.00	725,000.00	0.00	391,625.00	333,375.00	54.02 %
Department: 577100 - Friedt Park Total:	725,000.00	725,000.00	0.00	391,625.00	333,375.00	54.02%
Department: 577102 - 75th Anniversary Garden						
300-577102-500630 Cap Outlay Imp other than bldg	100,000.00	100,000.00	0.00	9,942.00	90,058.00	9.94 %
Department: 577102 - 75th Anniversary Garden Total:	100,000.00	100,000.00	0.00	9,942.00	90,058.00	9.94%
Department: 581100 - Interfund Transfers						
300-581100-381105 Transfer From General Fund	1,255,000.00	1,255,000.00	627,500.00	1,255,000.00	0.00	100.00 %
300-581100-381106 Transfer From Parking Fund	1,732,000.00	1,732,000.00	866,000.00	1,732,000.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:	2,987,000.00	2,987,000.00	1,493,500.00	2,987,000.00	0.00	100.00%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	1,324,638.76	1,620,582.44	1,620,582.44	0.00%
Fund: 310 - Parking Fund						
Department: 302000 - Licenses & Permits						
310-302000-313101 Pilop Fee	40,000.00	40,000.00	2,500.00	10,500.00	-29,500.00	26.25 %
Department: 302000 - Licenses & Permits Total:	40,000.00	40,000.00	2,500.00	10,500.00	-29,500.00	26.25%
Department: 304000 - Charges for Services						
310-304000-344500 Parking Permits	148,000.00	148,000.00	7,768.02	111,130.93	-36,869.07	75.09 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
310-304000-344520	Parking Agreements	94,024.00	94,024.00	0.00	94,024.00	0.00	100.00 %
310-304000-344551	South Ocean	210,000.00	210,000.00	27,751.63	253,907.57	43,907.57	120.91 %
310-304000-344552	Ocean Front Meters	350,000.00	350,000.00	58,164.10	501,870.92	151,870.92	143.39 %
310-304000-344553	Commercial Blvd. Meters	90,000.00	90,000.00	13,080.44	147,340.43	57,340.43	163.71 %
310-304000-344554	Parking Meters - Beach	200,000.00	200,000.00	28,025.18	210,149.20	10,149.20	105.07 %
310-304000-344555	Palm Portal- Fdg	99,000.00	99,000.00	17,324.87	135,380.03	36,380.03	136.75 %
310-304000-344556	El Prado Parking Lot	650,000.00	650,000.00	63,611.36	542,488.29	-107,511.71	83.46 %
310-304000-344558	Town Hall Parking Lot	35,000.00	35,000.00	2,513.81	27,990.27	-7,009.73	79.97 %
310-304000-344559	El Mar Parking Lot	295,000.00	295,000.00	31,486.98	278,426.12	-16,573.88	94.38 %
310-304000-344560	A1A Parking Lot	650,000.00	650,000.00	62,326.59	593,553.72	-56,446.28	91.32 %
310-304000-344563	Bougainvilla/ Poinciana	199,000.00	199,000.00	27,458.94	274,083.72	75,083.72	137.73 %
Department: 304000 - Charges for Services Total:		3,020,024.00	3,020,024.00	339,511.92	3,170,345.20	150,321.20	104.98%
Department: 305000 - Fines & Forfeitures							
310-305000-354100	Parking Fines	110,000.00	110,000.00	27,765.11	267,856.68	157,856.68	243.51 %
Department: 305000 - Fines & Forfeitures Total:		110,000.00	110,000.00	27,765.11	267,856.68	157,856.68	243.51%
Department: 306000 - Miscellaneous Revenues							
310-306000-362001	Bougainvilla Rent	149,760.00	149,760.00	10,145.00	106,775.71	-42,984.29	71.30 %
Department: 306000 - Miscellaneous Revenues Total:		149,760.00	149,760.00	10,145.00	106,775.71	-42,984.29	71.30%
Department: 545000 - Parking Operations							
310-545000-500120	Regular Salaries	236,000.00	236,000.00	19,705.86	186,480.36	49,519.64	79.02 %
310-545000-500140	Overtime Salaries	4,200.00	4,200.00	850.53	5,574.37	-1,374.37	132.72 %
310-545000-500210	Employer Fica Taxes	18,400.00	18,400.00	1,256.46	11,325.28	7,074.72	61.55 %
310-545000-500220	Retirement	45,000.00	45,000.00	3,368.05	35,278.82	9,721.18	78.40 %
310-545000-500230	Group Insurance	76,000.00	76,000.00	526.95	47,771.50	28,228.50	62.86 %
310-545000-500345	Contractual Services	523,000.00	523,000.00	64,498.30	378,073.63	144,926.37	72.29 %
310-545000-500353	Parking Alternatives	85,000.00	85,000.00	6,353.19	51,666.38	33,333.62	60.78 %
310-545000-500410	Communications	3,000.00	3,000.00	128.10	1,370.44	1,629.56	45.68 %
310-545000-500430	Electric Service	9,600.00	9,600.00	668.93	6,732.74	2,867.26	70.13 %
310-545000-500431	Water Service	27,500.00	27,500.00	1,608.39	15,530.05	11,969.95	56.47 %
310-545000-500445	Equip Rent/lease	5,500.00	5,500.00	0.00	0.00	5,500.00	0.00 %
310-545000-500461	Vehicle Maintenance	8,000.00	8,000.00	0.00	3,082.11	4,917.89	38.53 %
310-545000-500462	Fuel	15,000.00	15,000.00	1,080.44	7,262.00	7,738.00	48.41 %
310-545000-500463	Service Maintenance Contracts	48,588.00	48,588.00	3,588.00	35,916.00	12,672.00	73.92 %
310-545000-500497	Contingency	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
310-545000-500506	Printing & Binding	8,000.00	8,000.00	0.00	1,672.00	6,328.00	20.90 %
310-545000-500508	Postage	1,000.00	1,000.00	0.00	443.83	556.17	44.38 %
310-545000-500510	Office Supplies	1,000.00	1,000.00	0.00	199.90	800.10	19.99 %
310-545000-500525	Uniform Expense	5,000.00	5,000.00	0.00	246.85	4,753.15	4.94 %
310-545000-500532	Signs	13,000.00	13,000.00	318.36	4,819.71	8,180.29	37.07 %
310-545000-500533	Parking Meter Parts-supplies	38,000.00	38,000.00	0.00	2,686.79	35,313.21	7.07 %
310-545000-500545	Training	2,000.00	2,000.00	0.00	778.00	1,222.00	38.90 %
310-545000-500550	Operating Expenses	37,000.00	37,000.00	3,173.30	7,125.13	29,874.87	19.26 %
310-545000-500630	Cap Outlay Imp Other Than Bldg	32,310.00	32,310.00	0.00	0.00	32,310.00	0.00 %
310-545000-500640	Capital Outlay - Equipt & Mach	104,000.00	104,000.00	4,420.00	20,357.00	83,643.00	19.57 %
310-545000-500644	Capital Outlay-vehicles	31,686.00	31,686.00	2,328.24	17,697.47	13,988.53	55.85 %
310-545000-500646	Capital Outlay-Reserves	200,000.00	200,000.00	0.00	0.00	200,000.00	0.00 %
Department: 545000 - Parking Operations Total:		1,587,784.00	1,587,784.00	113,873.10	842,090.36	745,693.64	53.04%
Department: 581100 - Interfund Transfers							
310-581100-500910	Transfer To CIP Fund	1,732,000.00	1,732,000.00	866,000.00	1,732,000.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:		1,732,000.00	1,732,000.00	866,000.00	1,732,000.00	0.00	100.00%
Fund: 310 - Parking Fund Surplus (Deficit):		0.00	0.00	-599,951.07	981,387.23	981,387.23	0.00%
Report Surplus (Deficit):		0.00	0.00	-501,357.69	7,291,693.67	7,291,693.67	0.00%

Group Summary

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
000000 - Assigned	0.00	88,256.00	0.00	0.00	-88,256.00	0.00%
301000 - Ad Valorem Property Taxes	13,548,619.00	13,548,619.00	315,232.18	13,765,850.54	217,231.54	101.60%
301100 - Utility Taxes	1,198,700.00	1,198,700.00	133,906.53	1,001,208.34	-197,491.66	83.52%
301600 - Franchise Taxes	864,799.00	864,799.00	76,403.75	675,347.61	-189,451.39	78.09%
302000 - Licenses & Permits	187,200.00	241,200.00	15,931.21	232,705.20	-8,494.80	96.48%
303000 - Intergovernmental Revenues	1,203,884.00	1,245,243.00	105,450.10	1,031,853.57	-213,389.43	82.86%
304000 - Charges for Services	7,250.00	7,250.00	720.00	12,960.00	5,710.00	178.76%
305000 - Fines & Forfeitures	87,000.00	87,000.00	15,054.92	71,729.88	-15,270.12	82.45%
306000 - Miscellaneous Revenues	383,560.00	936,975.00	85,021.67	816,669.64	-120,305.36	87.16%
511000 - Commission	352,150.00	352,150.00	18,534.27	210,307.24	141,842.76	59.72%
511100 - Donation-Non Profits	68,500.00	68,500.00	187.25	66,227.41	2,272.59	96.68%
511200 - Visitor Center	142,341.00	142,341.00	5,724.73	67,064.61	75,276.39	47.12%
513000 - Administration	1,381,915.00	1,503,282.00	109,987.97	1,025,573.93	477,708.07	68.22%
514000 - Town Attorney	408,000.00	408,000.00	22,647.14	228,725.84	179,274.16	56.06%
519000 - General	1,295,900.00	1,295,900.00	22,748.48	793,150.25	502,749.75	61.20%
519100 - Tourism and Community Outreach	653,550.00	653,550.00	50,148.13	396,969.27	256,580.73	60.74%
521000 - Police Department	6,439,135.00	6,439,135.00	537,396.33	5,865,547.70	573,587.30	91.09%
523000 - Emergency Medical Services	519,680.00	519,680.00	124,775.00	493,062.50	26,617.50	94.88%
524000 - Development Services	1,115,152.00	1,071,690.00	55,313.39	613,413.77	458,276.23	57.24%
541100 - Mun Srvsc - Public Works Div	3,982,690.00	3,982,690.00	254,227.17	2,665,982.36	1,316,707.64	66.94%
572000 - Recreation	116,999.00	116,999.00	18,892.09	102,611.72	14,387.28	87.70%
581100 - Interfund Transfers	-1,005,000.00	-1,664,125.00	-502,500.00	-1,664,125.00	0.00	100.00%
Fund: 001 - General Fund Surplus (Deficit):	0.00	0.00	-975,361.59	3,415,563.18	3,415,563.18	0.00%
Fund: 101 - Special Revenue-Police Conf						
306000 - Miscellaneous Revenues	0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 101 - Special Revenue-Police Conf Total:	0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 102 - Building Fund						
000000 - Assigned	275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00%
302100 - Building Permit and Inpection	1,453,019.00	1,453,019.00	99,838.48	1,107,920.79	-345,098.21	76.25%
524100 - Building	1,728,121.00	1,728,121.00	318,443.70	983,070.71	745,050.29	56.89%
Fund: 102 - Building Fund Surplus (Deficit):	0.00	0.00	-218,605.22	124,850.08	124,850.08	0.00%
Fund: 103 - Sewer Fund						
000000 - Assigned	8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00%
304000 - Charges for Services	1,700,000.00	1,700,000.00	158,296.85	874,062.83	-825,937.17	51.42%
306000 - Miscellaneous Revenues	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00%
535000 - Sanitary Sewers	1,710,480.00	1,710,480.00	70,532.45	896,549.35	813,930.65	52.42%
Fund: 103 - Sewer Fund Surplus (Deficit):	0.00	0.00	87,764.40	-22,486.52	-22,486.52	0.00%
Fund: 115 - Fire Fund						
000000 - Assigned	600,000.00	0.00	0.00	0.00	0.00	0.00%
301050 - Fire Assessment	1,347,159.00	1,347,159.00	29,673.03	1,376,454.74	29,295.74	102.17%
304000 - Charges for Services	77,000.00	77,000.00	8,092.00	86,636.83	9,636.83	112.52%
306000 - Miscellaneous Revenues	0.00	137,682.00	0.00	137,682.38	0.38	100.00%
522000 - Fire Department	2,024,159.00	2,220,966.00	157,608.00	1,088,492.80	1,132,473.20	49.01%
581100 - Interfund Transfers	0.00	659,125.00	0.00	659,125.00	0.00	100.00%
Fund: 115 - Fire Fund Surplus (Deficit):	0.00	0.00	-119,842.97	1,171,406.15	1,171,406.15	0.00%
Fund: 300 - Capital Project Fund						
000000 - Assigned	615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00%
303000 - Intergovernmental Revenues	450,000.00	450,000.00	0.00	0.00	-450,000.00	0.00%
519000 - General	226,642.00	226,642.00	14,134.88	187,868.78	38,773.22	82.89%
519161 - Town Hall / Public Safety	500,000.00	500,000.00	0.00	0.00	500,000.00	0.00%
545170 - El Prado Park	775,000.00	775,000.00	17,190.00	50,379.65	724,620.35	6.50%
559027 - Storm Water Rate Study	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
572102 - Beach Portal	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00%
572108 - FDOT A1A Pine Ave to Palm Ave	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70%

Budget Report

For Fiscal: 2024-2025 Period Ending: 07/31/2025

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
572110 - Tennis Court Lighting	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40%
572200 - Beach Renourishment	116,667.00	116,667.00	-18,977.94	116,666.67	0.33	100.00%
572201 - Staghorn Coral Painting	0.00	0.00	0.00	9,097.66	-9,097.66	0.00%
575200 - Traffic Improvements & Calming	150,000.00	150,000.00	0.00	23,468.12	126,531.88	15.65%
575201 - Pedestrian Amenities	75,000.00	75,000.00	33,406.80	79,129.65	-4,129.65	105.51%
576136 - Street Proj.Bougain.Poinciana	225,000.00	225,000.00	0.00	0.00	225,000.00	0.00%
576138 - Roadway Paving & Refurbishment	483,691.00	483,691.00	86,802.05	166,327.68	317,363.32	34.39%
576305 - Resilient Florida Program -Project	200,000.00	200,000.00	36,305.45	56,189.45	143,810.55	28.09%
577100 - Friedt Park	725,000.00	725,000.00	0.00	391,625.00	333,375.00	54.02%
577102 - 75th Anniversary Garden	100,000.00	100,000.00	0.00	9,942.00	90,058.00	9.94%
581100 - Interfund Transfers	2,987,000.00	2,987,000.00	1,493,500.00	2,987,000.00	0.00	100.00%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	1,324,638.76	1,620,582.44	1,620,582.44	0.00%
Fund: 310 - Parking Fund						
302000 - Licenses & Permits	40,000.00	40,000.00	2,500.00	10,500.00	-29,500.00	26.25%
304000 - Charges for Services	3,020,024.00	3,020,024.00	339,511.92	3,170,345.20	150,321.20	104.98%
305000 - Fines & Forfeitures	110,000.00	110,000.00	27,765.11	267,856.68	157,856.68	243.51%
306000 - Miscellaneous Revenues	149,760.00	149,760.00	10,145.00	106,775.71	-42,984.29	71.30%
545000 - Parking Operations	1,587,784.00	1,587,784.00	113,873.10	842,090.36	745,693.64	53.04%
581100 - Interfund Transfers	1,732,000.00	1,732,000.00	866,000.00	1,732,000.00	0.00	100.00%
Fund: 310 - Parking Fund Surplus (Deficit):	0.00	0.00	-599,951.07	981,387.23	981,387.23	0.00%
Report Surplus (Deficit):	0.00	0.00	-501,357.69	7,291,693.67	7,291,693.67	0.00%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
001 - General Fund	0.00	0.00	-975,361.59	3,415,563.18	3,415,563.18
101 - Special Revenue-Police Conf	0.00	0.00	0.00	391.11	391.11
102 - Building Fund	0.00	0.00	-218,605.22	124,850.08	124,850.08
103 - Sewer Fund	0.00	0.00	87,764.40	-22,486.52	-22,486.52
115 - Fire Fund	0.00	0.00	-119,842.97	1,171,406.15	1,171,406.15
300 - Capital Project Fund	0.00	0.00	1,324,638.76	1,620,582.44	1,620,582.44
310 - Parking Fund	0.00	0.00	-599,951.07	981,387.23	981,387.23
Report Surplus (Deficit):	0.00	0.00	-501,357.69	7,291,693.67	7,291,693.67

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of July 31,2025

Bank / Other	GL No.	Bank No.	Account Name	Account Type	Bank/ Pool	Balance 7/31/2025	Interest/ Avg % Yield	Interest/Chg Mkt Value	Interest/ Year to Date
001 General Fund:									
Truist	101.000	8015	Master Account	Analyzed Interest Checking	Truist	6,828,584.09	2.55%	15,089.30	195,549.27
Truist	101.009	6876	Emergency Reserve	Public Special Money Rate Checking	Truist	2,616,435.89	2.87%	6,369.73	57,632.62
GENERAL FUND						BANK SUBTOTAL		21,459.03	253,181.89
SBA	101.300	1471-A	General Fund Invest Acct A	SBA Invest Pool	SBA	202,188.88	4.46%	762.93	7,605.01
SBA	101.400	1472-A	Emergency Reserves Acct A	SBA Invest Pool	SBA	98,094.52	4.46%	370.12	3,689.64
SBA	101.301	1473-A	Florida Prime Investment	SBA Investment	SBA	3,036,162.31	4.46%	11,456.47	36,162.31
SouthState Inv.	101.110	9371	Investment	Investment	SSTI	2,025,112.65			
GENERAL FUND						SBA / INV. SUBTOTAL		12,589.52	47,456.96
GENERAL FUND						GRAND TOTAL		34,048.55	300,638.85
101 Police Forfeiture & Training									
Truist	101.100	9613	Police Forfeiture Fund	Analyzed Interest Checking	Truist	589.59	2.55%	Included Above	Included Above
POLICE FUND						TOTAL		0.00	0.00
103 Sewer Enterprise Fund									
Truist	101.105	9999	Sewer Enterprise Fund	Analyzed Interest Checking	Truist	1,217,478.32	2.55%	2,180.88	22,640.89
SEWER FUND						TOTAL		2,180.88	22,640.89
115 Fire Fund:									
Truist	101.109	5379	Fire Fund Account	Analyzed Interest Checking	Truist	1,047,348.39	2.55%	1,813.06	16,689.52
Truist	101.110	6701	Public Safety Facility Account	Analyzed Interest Checking	Truist	1,277,303.38	2.55%	2,557.36	12,038.89
FIRE FUND						GRAND TOTAL		4,370.42	16,689.52
300 Capital Improvement Fund:									
Truist	101.115	0010	Capital Improvement Fund	Analyzed Interest Checking	Truist	3,822,871.88	2.55%	6,257.72	45,842.63
CAPITAL IMPROVEMENT FUND						TOTAL		6,257.72	45,842.63
310 Parking Improvement Fund									
Truist	101.125	0120	Parking Improvement Account	Analyzed Interest Checking	Truist	6,682,815.68	2.55%	15,161.45	126,616.55
Truist	101.128	8554	PILOP Account	Analyzed Interest Checking	Truist	200.00	2.55%	Included Above	Included Above
PARKING FUND						TOTAL		15,161.45	126,616.55
102 Building Fund									
Truist	101.104	8686	Building Account	Analyzed Interest Checking	Truist	1,245,915.34	2.55%	2,554.15	23,974.99
BUILDING FUND						TOTAL		2,554.15	23,974.99
ALL FUNDS						GRAND TOTAL		64,573.17	536,403.43

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of July 31,2025

Summary by Investment Type		Amount	Percent
	Interest Bearing Checking	23,462,239.18	81%
	Non-interest Bearing Checking	0.00	0%
	SBA Trust Fund/Pools	300,283.40	1%
	SBA Florida Prime Investment	3,036,162.31	
	Investment	2,025,112.65	7%
	Repurchase Agreements	0.00	0%
	Money Market Funds	0.00	0%
	U.S. Securities/Treasuries	0.00	0%
	U.S. Federal Agencies	0.00	0%
	Federal Instrumentalities	0.00	0%
GRAND TOTAL		28,823,797.54	89%

Summary by Fund		Amount	Percent
101.000/101-400	General Fund	14,806,578.34	51%
	Police Fund	589.59	0%
	Sewer Fund	1,217,478.32	4%
	Fire Fund	1,047,348.39	4%
	Building Fund	1,245,915.34	4%
	Capital Improvement Fund	3,822,871.88	13%
	Parking Fund	6,683,015.68	23%
GRAND TOTAL		28,823,797.54	100%

Summary by Bank/Pool/Inv		Amount	Percent
	Truist	23,462,239.18	81%
	Investment	2,025,112.65	7%
	Florida Prime/Investment	3,036,162.31	11%
	Florida Prime/State Board of Admin.	300,283.40	1%
GRAND TOTAL		28,823,797.54	100%



Agenda Item No: 8.d.

Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: August 2025 Finance Report

Explanation: Presented is the August 2025 financial report which consists of the attached Revenue/Expenditure Report and the Cash & Investment Report. At the end of August, the Town was 91.67% through the fiscal year.

Recommendation: N/A

Exhibits:

1. August 2025 Finance Report
2. Revenue_Expenditure Report August 2025
3. Cash Investment Report-August 2025

The following is a summary of the operating results through 8/31/25:

Fund	Annual Budget	Budgeted Appropriations	Budgeted Revenues Excluding Appropriations	YTD Revenues		YTD Expenditures		Net Amount
				Amount	% of Budget	Amount	% of Budget	
General Fund	\$ 17,731,012.00		\$ 17,731,012.00	\$ 18,312,960.91	103.28%	\$ 15,761,935.94	88.89%	\$ 2,551,024.97
Building Fund	\$ 1,728,121.00	\$ 275,102.00	\$ 1,453,019.00	\$ 1,305,513.89	89.85%	\$ 1,112,244.11	76.55%	\$ 193,269.78
Sewer Fund	\$ 1,710,480.00	\$ 8,480.00	\$ 1,702,000.00	\$ 1,111,574.40	65.31%	\$ 962,404.60	56.55%	\$ 149,169.80
Fire Fund	\$ 2,024,159.00	\$ 600,000.00	\$ 1,424,159.00	\$ 2,267,315.35	159.20%	\$ 1,240,494.10	87.10%	\$ 1,026,821.25
Capital Fund	\$ 4,052,000.00	\$ 615,000.00	\$ 3,437,000.00	\$ 2,987,000.00	86.91%	\$ 1,625,595.40	40.12%	\$ 1,361,404.60
Parking Fund	\$ 3,319,784.00	\$ 40,000.00	\$ 3,279,784.00	\$ 3,852,595.46	117.46%	\$ 2,637,157.60	79.44%	\$ 1,215,437.86
Grand Total	\$ 30,565,556.00	\$ 1,538,582.00	\$ 29,026,974.00	\$ 29,836,960.01		\$ 23,339,831.75		\$ 6,497,128.26

Notable items this month are as follows:

General Fund:

- Through the month of August, the Town has received the total amount of Ad Valorem Property Taxes for the fiscal year. This year's total was \$13,765,850.54 or 101.60% of Ad Valorem Property Taxes of budgeted amount.
- Overall General Fund revenues and expenditures are within budget.

Building Fund:

- Building Permit Fees are within budget at 89.70%.
- Fund expenditures correlate with the revenues and through this period CAP has billed the Town for 8 months of their services, bringing Building Permit Services to 67.29%.

Sewer Fund:

- Sewer Fund revenues are slightly below the budgeted amount at 65.39%; expenses are within budget.

Fire Fund:

- Through the month of August, the Town has received the total amount of Property Tax-Fire Assessments for the fiscal year. This year's total was \$1,376,454.74 of budgeted amount. Expenditures are within budget.

Capital Project Fund:

- Activity for the month of August for capital projects is displayed in the chart below.

August, 2025 REPORT INFORMATION					
<u>CIP Projects</u>	<u>Budget</u>	<u>YTD Expenditures</u>	<u>August Expenditures</u>	<u>% Completion</u>	<u>Comments</u>
Town Hall/Public Safety	\$ 500,000.00	\$ -	\$ -	0.00%	
El Prado Park	\$ 775,000.00	\$ 89,497.40	\$ 39,117.75	11.55%	Payment made to Hitchcock Design, Inc.
Storm Water Rate Study	\$ 125,000.00	\$ -		0.00%	No activity for the month.
Beach Bathrooms	\$ -	\$ 11,494.00	\$ 11,494.00		Entry will be corrected and charged to Tennis Court Lighting.
Beach Portal	\$ 50,000.00	\$ -	\$ -	0.00%	No activity for the month.
FDOT A1A Pine Avenue to Palm Aire	\$ 255,000.00	\$ 244,045.00	\$ -	95.70%	No activity for the month.
Tennis Court Lighting	\$ 45,000.00	\$ 31,677.90	\$ -	70.40%	No activity for the month.
Beach Renourishment	\$ 116,667.00	\$ 116,666.67	\$ -	100.00%	Project complete.
Staghorn Coral Painting	\$ -	\$ 9,097.66	\$ -	100.00%	Project complete.
Traffic Improvements & Calming	\$ 150,000.00	\$ 23,468.12	\$ -	15.65%	No activity for the month.
Pedestrian Amenities	\$ 75,000.00	\$ 79,129.65	\$ -	105.51%	No activity for the month.
Street Project-Bougainvillea/Poinciana	\$ 225,000.00	\$ 7,404.00	\$ 7,404.00	3.29%	Payment made to Baxter & Woodman, Inc.
Roadway Paving & Refurbishment	\$ 483,691.00	\$ 182,476.38	\$ 16,148.70	37.73%	Payment made to The Paving Lady, Inc.
Resilient Florida Program	\$ 200,000.00	\$ 76,119.60	\$ 19,930.15	38.06%	Payment made to Baxter & Woodman, Inc.
Friedt Park	\$ 725,000.00	\$ 547,120.05	\$ 155,495.05	75.46%	Payment made to Florida Surface Pro LLC.
75th Anniversary Garden	\$ 100,000.00	\$ 11,106.95	\$ 1,164.95	11.11%	Purchases made at Home Depot.
Totals:	\$ 3,825,358.00	\$ 1,429,303.38	\$ 250,754.60		

Parking Fund:

- Parking revenues are 116.05% of the budgeted amount. As shown in the chart below, revenues for the month of August were up 2.51% when compared to August 2024.
- Expenses are within expectations.

The chart below shows a breakdown of revenue by lots:

August, 2025		
	<u>FY2025</u>	<u>Difference from Prior Year</u>
South Ocean	\$ 19,042.34	\$ 531.70
Ocean Front Meters	\$ 46,969.90	\$ 3,245.85
Commercial Blvd. Meters	\$ 10,635.11	\$ 863.71
Parking Meters-Beach	\$ 18,534.84	\$ 632.51
Palm Portal-FDG	\$ 11,989.08	\$ 188.58
El Prado Parking Lot	\$ 42,114.97	\$ (94.21)
Town Hall Parking Lot	\$ 1,318.01	\$ 16.84
El Mar Parking Lot	\$ 25,875.80	\$ 1,274.38
A1A Parking Lot	\$ 44,311.66	\$ (3,286.32)
Bougainvilla/Poinciana	\$ 20,018.06	\$ 2,511.88
Monthly Total: \$ 240,809.77		
<i>Difference from last year \$\$:</i> \$		5,884.92
<i>Difference from last year %:</i>		2.51%
Additional Parking Income:		
<i>Parking Permits</i>	\$ 4,092.78	
<i>Parking Fines</i>	\$ 33,881.38	
GRAND TOTAL:	\$ 278,783.93	

The top producing lots for the month of August were:

1. Ocean Front Meters
2. A1A Parking Lot
3. El Prado Parking Lot
4. El Mar Parking Lot



Lauderdale-By-The-Sea, FL

Budget Report Account Summary

For Fiscal: 2024-2025 Period Ending: 08/31/2025

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
Department: 000000 - Assigned						
001-000000-380200 Appropriated Fund Balance	0.00	88,256.00	0.00	0.00	-88,256.00	0.00 %
Department: 000000 - Assigned Total:	0.00	88,256.00	0.00	0.00	-88,256.00	0.00%
Department: 301000 - Ad Valorem Property Taxes						
001-301000-311100 Ad Valorem Property Taxes	13,548,619.00	13,548,619.00	0.00	13,765,850.54	217,231.54	101.60 %
Department: 301000 - Ad Valorem Property Taxes Total:	13,548,619.00	13,548,619.00	0.00	13,765,850.54	217,231.54	101.60%
Department: 301100 - Utility Taxes						
001-301100-311101 Fpl Utility Tax	986,700.00	986,700.00	110,532.38	932,606.52	-54,093.48	94.52 %
001-301100-311440 Gas Utility Tax	23,000.00	23,000.00	1,201.32	16,790.55	-6,209.45	73.00 %
001-301100-314300 Water Utility Tax	189,000.00	189,000.00	20,989.86	184,534.83	-4,465.17	97.64 %
Department: 301100 - Utility Taxes Total:	1,198,700.00	1,198,700.00	132,723.56	1,133,931.90	-64,768.10	94.60%
Department: 301600 - Franchise Taxes						
001-301600-313100 Fl Power & Light Franchise	670,000.00	670,000.00	73,825.72	619,899.22	-50,100.78	92.52 %
001-301600-313300 Waste Franchise Collection	161,999.00	161,999.00	15,427.96	123,360.81	-38,638.19	76.15 %
001-301600-313301 Waste Franchise Adm-fee	9,000.00	9,000.00	0.00	0.00	-9,000.00	0.00 %
001-301600-313400 Gas Franchise	23,000.00	23,000.00	1,425.39	22,766.65	-233.35	98.99 %
001-301600-313600 Towing Franchise Fees	800.00	800.00	0.00	0.00	-800.00	0.00 %
Department: 301600 - Franchise Taxes Total:	864,799.00	864,799.00	90,679.07	766,026.68	-98,772.32	88.58%
Department: 302000 - Licenses & Permits						
001-302000-321100 Business License Taxes	100,000.00	100,000.00	20,931.82	122,137.02	22,137.02	122.14 %
001-302000-321110 Sidewalk Cafe Row	85,000.00	139,000.00	9,072.00	139,232.00	232.00	100.17 %
001-302000-322150 Miscellaneous Permits	700.00	700.00	0.00	185.00	-515.00	26.43 %
001-302000-322250 Development Services Applications	1,000.00	1,000.00	0.00	355.00	-645.00	35.50 %
001-302000-322400 Sign Permits	500.00	500.00	100.00	900.00	400.00	180.00 %
Department: 302000 - Licenses & Permits Total:	187,200.00	241,200.00	30,103.82	262,809.02	21,609.02	108.96%
Department: 303000 - Intergovernmental Revenues						
001-303000-311120 Municipal Revenue Sharing	185,000.00	185,000.00	42,362.71	204,613.36	19,613.36	110.60 %
001-303000-311150 Alcoholic Beverage License	17,000.00	17,000.00	293.66	15,935.78	-1,064.22	93.74 %
001-303000-311180 Sales Tax	525,000.00	525,000.00	38,439.15	362,378.98	-162,621.02	69.02 %
001-303000-312410 Local Op Gas Tax 1 - 6 Cent	67,500.00	103,347.00	20,474.48	213,879.89	110,532.89	206.95 %
001-303000-312420 Local Op Gas Tax 2 - 5 Cent	48,000.00	53,512.00	5,046.83	53,511.11	-0.89	100.00 %
001-303000-315100 Communication Service Tax	327,000.00	327,000.00	21,221.89	272,897.25	-54,102.75	83.45 %
001-303000-334915 Fdot-reimbursable Grant	34,384.00	34,384.00	0.00	36,475.92	2,091.92	106.08 %
Department: 303000 - Intergovernmental Revenues Total:	1,203,884.00	1,245,243.00	127,838.72	1,159,692.29	-85,550.71	93.13%
Department: 304000 - Charges for Services						
001-304000-343902 Site Plan Application Fees	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
001-304000-347500 Tennis - Shuffle Key	5,250.00	5,250.00	250.00	13,210.00	7,960.00	251.62 %
Department: 304000 - Charges for Services Total:	7,250.00	7,250.00	250.00	13,210.00	5,960.00	182.21%
Department: 305000 - Fines & Forfeitures						
001-305000-354150 Fines,trafficviolation,citatio	30,000.00	30,000.00	2,686.10	26,380.68	-3,619.32	87.94 %
001-305000-354160 Code Enforcement Fines	55,000.00	55,000.00	1,750.00	49,785.30	-5,214.70	90.52 %
001-305000-359100 Other Fines & Alarms	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
Department: 305000 - Fines & Forfeitures Total:	87,000.00	87,000.00	4,436.10	76,165.98	-10,834.02	87.55%
Department: 306000 - Miscellaneous Revenues						
001-306000-361100 Interest Earnings	112,335.00	654,355.00	64,589.76	654,355.53	0.53	100.00 %
001-306000-362000 Rent/lease Royalties	129,675.00	132,275.00	0.00	110,225.00	-22,050.00	83.33 %
001-306000-365400 Recycling Revenue	5,000.00	5,000.00	0.00	0.00	-5,000.00	0.00 %
001-306000-366100 Donations	13,500.00	13,500.00	0.00	2,000.00	-11,500.00	14.81 %
001-306000-369100 Miscellaneous Revenues	75,050.00	75,050.00	3,620.10	66,391.39	-8,658.61	88.46 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-306000-369200	Miscellaneous Applications	5,000.00	13,795.00	350.00	14,715.00	920.00	106.67 %
001-306000-369201	Miscellaneous Merchandisesales	5,000.00	5,000.00	0.00	3,767.59	-1,232.41	75.35 %
001-306000-369250	Recreational Activities Fee	17,500.00	17,500.00	45.00	20,725.00	3,225.00	118.43 %
001-306000-369500	miscellaneous Lobbyist	500.00	500.00	0.00	500.00	0.00	100.00 %
001-306000-369901	Insurance Reimbursement	20,000.00	20,000.00	0.00	12,594.99	-7,405.01	62.97 %
Department: 306000 - Miscellaneous Revenues Total:		383,560.00	936,975.00	68,604.86	885,274.50	-51,700.50	94.48%
Department: 511000 - Commission							
001-511000-500110	Commission Salaries	135,000.00	135,000.00	10,000.86	112,669.99	22,330.01	83.46 %
001-511000-500210	Employer Fica Taxes	10,450.00	10,450.00	529.90	5,939.14	4,510.86	56.83 %
001-511000-500220	Retirement	60,750.00	60,750.00	4,129.74	48,316.05	12,433.95	79.53 %
001-511000-500230	Group Insurance	92,000.00	92,000.00	2,276.10	36,290.31	55,709.69	39.45 %
001-511000-500345	Contractual Services	16,000.00	16,000.00	510.00	5,009.50	10,990.50	31.31 %
001-511000-500510	Office Supplies	1,500.00	1,500.00	0.00	75.19	1,424.81	5.01 %
001-511000-500512	Elections	4,000.00	4,000.00	0.00	3,493.00	507.00	87.33 %
001-511000-500525	Uniform Expense	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
001-511000-500540	Dues & Subscriptions	3,250.00	3,250.00	0.00	1,380.00	1,870.00	42.46 %
001-511000-500545	Training	12,500.00	12,500.00	531.10	4,263.32	8,236.68	34.11 %
001-511000-500550	Operating Expenses	15,200.00	15,200.00	124.98	10,973.42	4,226.58	72.19 %
Department: 511000 - Commission Total:		352,150.00	352,150.00	18,102.68	228,409.92	123,740.08	64.86%
Department: 511100 - Donation-Non Profits							
001-511100-500820	Donations-aids To Private Org	68,500.00	68,500.00	0.00	66,227.41	2,272.59	96.68 %
Department: 511100 - Donation-Non Profits Total:		68,500.00	68,500.00	0.00	66,227.41	2,272.59	96.68%
Department: 511200 - Visitor Center							
001-511200-500120	Regular Salaries	80,815.00	80,815.00	5,881.79	44,365.29	36,449.71	54.90 %
001-511200-500210	Employer Fica Taxes	6,265.00	6,265.00	449.94	3,359.02	2,905.98	53.62 %
001-511200-500220	Retirement	13,786.00	13,786.00	1,455.91	8,636.21	5,149.79	62.64 %
001-511200-500230	Group Insurance	3,450.00	3,450.00	167.17	1,962.88	1,487.12	56.90 %
001-511200-500311	Advertisements	3,000.00	3,000.00	0.00	475.00	2,525.00	15.83 %
001-511200-500340	Sewer/wastewater	4,410.00	4,410.00	291.04	3,008.32	1,401.68	68.22 %
001-511200-500345	Contractual Services	6,000.00	6,000.00	212.50	1,409.58	4,590.42	23.49 %
001-511200-500430	Electric Service	2,100.00	2,100.00	135.09	1,235.39	864.61	58.83 %
001-511200-500431	Water Service	5,300.00	5,300.00	388.62	4,476.11	823.89	84.45 %
001-511200-500463	Service Maintenance Contracts	3,150.00	3,150.00	0.00	891.22	2,258.78	28.29 %
001-511200-500495	Special Events	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
001-511200-500506	Printing & Binding	3,065.00	3,065.00	0.00	1,498.50	1,566.50	48.89 %
001-511200-500520	Bldg. Maintenance	5,000.00	5,000.00	236.12	2,008.76	2,991.24	40.18 %
001-511200-500550	Operating Expenses	5,000.00	5,000.00	0.00	2,956.51	2,043.49	59.13 %
Department: 511200 - Visitor Center Total:		142,341.00	142,341.00	9,218.18	76,282.79	66,058.21	53.59%
Department: 513000 - Administration							
001-513000-500120	Regular Salaries	665,203.00	772,186.00	192,703.83	745,245.74	26,940.26	96.51 %
001-513000-500140	Overtime Salaries	5,500.00	5,500.00	36.50	832.93	4,667.07	15.14 %
001-513000-500210	Employer Fica Taxes	51,425.00	51,425.00	7,854.55	48,528.15	2,896.85	94.37 %
001-513000-500220	Retirement	154,950.00	169,334.00	14,099.90	156,956.21	12,377.79	92.69 %
001-513000-500230	Group Insurance	155,250.00	155,250.00	14,042.81	109,902.69	45,347.31	70.79 %
001-513000-500315	Professional Services	36,000.00	36,000.00	0.00	26,964.00	9,036.00	74.90 %
001-513000-500320	Audit Expense	47,000.00	47,000.00	0.00	30,000.00	17,000.00	63.83 %
001-513000-500344	Hr Expenses	5,000.00	5,000.00	179.00	4,003.61	996.39	80.07 %
001-513000-500345	Contractual Services	98,100.00	98,100.00	6,641.80	62,627.68	35,472.32	63.84 %
001-513000-500463	Service Maintenance Contracts	54,800.00	54,800.00	791.76	37,437.21	17,362.79	68.32 %
001-513000-500506	Printing & Binding	3,000.00	3,000.00	0.00	1,948.09	1,051.91	64.94 %
001-513000-500508	Postage	5,000.00	5,000.00	1,646.00	9,396.50	-4,396.50	187.93 %
001-513000-500510	Office Supplies	6,700.00	6,700.00	339.75	3,491.17	3,208.83	52.11 %
001-513000-500525	Uniform Expense	1,087.00	1,087.00	0.00	206.46	880.54	18.99 %
001-513000-500540	Dues & Subscriptions	9,900.00	9,900.00	-781.00	4,273.03	5,626.97	43.16 %
001-513000-500545	Training	27,000.00	27,000.00	1,584.00	11,447.19	15,552.81	42.40 %
001-513000-500550	Operating Expenses	26,000.00	26,000.00	1,492.84	12,945.01	13,054.99	49.79 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-513000-500640	Capital Outlay - Equip't & Mach	30,000.00	30,000.00	0.00	0.00	30,000.00	0.00 %
Department: 513000 - Administration Total:		1,381,915.00	1,503,282.00	240,631.74	1,266,205.67	237,076.33	84.23%
Department: 514000 - Town Attorney							
001-514000-500310	Legal Expense	360,000.00	360,000.00	48,635.63	277,361.47	82,638.53	77.04 %
001-514000-500314	Litigation	48,000.00	48,000.00	0.00	0.00	48,000.00	0.00 %
Department: 514000 - Town Attorney Total:		408,000.00	408,000.00	48,635.63	277,361.47	130,638.53	67.98%
Department: 519000 - General							
001-519000-500311	Advertisements	5,000.00	5,000.00	0.00	5,304.50	-304.50	106.09 %
001-519000-500315	Professional Services	139,500.00	139,500.00	2,235.00	80,598.06	58,901.94	57.78 %
001-519000-500345	Contractual Services	83,200.00	83,200.00	4,000.00	38,876.97	44,323.03	46.73 %
001-519000-500349	Community Mobility Services	250,000.00	250,000.00	17,352.12	178,323.03	71,676.97	71.33 %
001-519000-500451	Auto, Property & Liability Ins	308,300.00	308,300.00	0.00	281,088.66	27,211.34	91.17 %
001-519000-500452	Workers Compensation Insur	90,200.00	90,200.00	12,964.75	52,019.00	38,181.00	57.67 %
001-519000-500463	Service Maintenance Contracts	23,100.00	23,100.00	0.00	6,000.00	17,100.00	25.97 %
001-519000-500497	Contingency	190,000.00	190,000.00	0.00	39,345.49	150,654.51	20.71 %
001-519000-500506	Printing & Binding	0.00	0.00	-3,943.25	0.00	0.00	0.00 %
001-519000-500540	Dues & Subscriptions	0.00	0.00	-250.00	0.00	0.00	0.00 %
001-519000-500550	Operating Expenses	96,600.00	96,600.00	742.36	80,253.55	16,346.45	83.08 %
001-519000-500552	Recycling And Solid Waste Exp	70,000.00	70,000.00	3,921.09	42,727.04	27,272.96	61.04 %
001-519000-500640	Capital Outlay - Equip't & Mach	40,000.00	40,000.00	0.00	25,636.02	14,363.98	64.09 %
Department: 519000 - General Total:		1,295,900.00	1,295,900.00	37,022.07	830,172.32	465,727.68	64.06%
Department: 519100 - Tourism and Community Outreach							
001-519100-500120	Regular Salaries	90,000.00	90,000.00	5,694.78	63,781.54	26,218.46	70.87 %
001-519100-500210	Employer Fica Taxes	7,000.00	7,000.00	435.98	4,882.81	2,117.19	69.75 %
001-519100-500220	Retirement	12,500.00	12,500.00	798.98	8,543.38	3,956.62	68.35 %
001-519100-500230	Group Insurance	20,000.00	20,000.00	1,093.66	14,530.26	5,469.74	72.65 %
001-519100-500311	Advertisements	12,000.00	12,000.00	4,500.00	7,145.00	4,855.00	59.54 %
001-519100-500315	Professional Services	166,000.00	166,000.00	27,024.88	142,767.22	23,232.78	86.00 %
001-519100-500345	Contractual Services	6,750.00	6,750.00	2,522.19	4,901.00	1,849.00	72.61 %
001-519100-500347	Programs	12,300.00	12,300.00	0.00	8,837.51	3,462.49	71.85 %
001-519100-500495	Special Events	277,100.00	277,100.00	19,617.02	185,419.29	91,680.71	66.91 %
001-519100-500506	Printing & Binding	44,000.00	44,000.00	10,058.28	27,176.64	16,823.36	61.77 %
001-519100-500540	Dues & Subscriptions	1,900.00	1,900.00	250.00	706.67	1,193.33	37.19 %
001-519100-500545	Training	2,000.00	2,000.00	133.88	133.88	1,866.12	6.69 %
001-519100-500550	Operating Expenses	2,000.00	2,000.00	64.14	337.86	1,662.14	16.89 %
Department: 519100 - Tourism and Community Outreach Total:		653,550.00	653,550.00	72,193.79	469,163.06	184,386.94	71.79%
Department: 521000 - Police Department							
001-521000-500141	Bso Overtime	100,000.00	100,000.00	0.00	84,101.34	15,898.66	84.10 %
001-521000-500345	Contractual Services	6,321,135.00	6,321,135.00	487,854.92	6,252,104.83	69,030.17	98.91 %
001-521000-500352	Contract Services	5,500.00	5,500.00	0.00	4,996.19	503.81	90.84 %
001-521000-500640	Capital Outlay - Equip't & Mach	12,500.00	12,500.00	0.00	12,200.26	299.74	97.60 %
Department: 521000 - Police Department Total:		6,439,135.00	6,439,135.00	487,854.92	6,353,402.62	85,732.38	98.67%
Department: 523000 - Emergency Medical Services							
001-523000-500345	Contractual Services	519,680.00	519,680.00	42,262.50	535,325.00	-15,645.00	103.01 %
Department: 523000 - Emergency Medical Services Total:		519,680.00	519,680.00	42,262.50	535,325.00	-15,645.00	103.01%
Department: 524000 - Development Services							
001-524000-500120	Regular Salaries	295,900.00	362,930.00	35,472.72	345,260.34	17,669.66	95.13 %
001-524000-500121	Temporary Salaries/ Interns	7,000.00	0.00	0.00	0.00	0.00	0.00 %
001-524000-500140	Overtime Salaries	6,000.00	6,000.00	361.90	4,398.92	1,601.08	73.32 %
001-524000-500210	Employer Fica Taxes	22,925.00	33,775.00	2,989.60	32,260.21	1,514.79	95.52 %
001-524000-500220	Retirement	59,275.00	69,275.00	7,387.55	60,948.74	8,326.26	87.98 %
001-524000-500230	Group Insurance	87,000.00	87,000.00	7,406.99	79,450.26	7,549.74	91.32 %
001-524000-500310	Legal Expense	0.00	0.00	-1,210.30	0.00	0.00	0.00 %
001-524000-500315	Professional Services	60,000.00	60,000.00	5,070.00	5,924.24	54,075.76	9.87 %
001-524000-500345	Contractual Services	539,952.00	415,610.00	7,445.00	108,846.38	306,763.62	26.19 %
001-524000-500463	Service Maintenance Contracts	4,000.00	4,000.00	1,698.24	1,698.24	2,301.76	42.46 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
001-524000-500506	Printing & Binding	3,000.00	3,000.00	1,050.00	1,790.69	1,209.31	59.69 %
001-524000-500508	Postage	3,000.00	3,000.00	0.00	1,145.11	1,854.89	38.17 %
001-524000-500510	Office Supplies	2,500.00	2,500.00	1,037.34	1,983.64	516.36	79.35 %
001-524000-500525	Uniform Expense	600.00	600.00	0.00	1,093.64	-493.64	182.27 %
001-524000-500540	Dues & Subscriptions	5,000.00	5,000.00	0.00	2,220.97	2,779.03	44.42 %
001-524000-500545	Training	8,000.00	8,000.00	1,803.00	5,133.40	2,866.60	64.17 %
001-524000-500550	Operating Expenses	11,000.00	11,000.00	-24.02	31,747.01	-20,747.01	288.61 %
Department: 524000 - Development Services Total:		1,115,152.00	1,071,690.00	70,488.02	683,901.79	387,788.21	63.82%
Department: 541100 - Mun Srvsc - Public Works Div							
001-541100-500120	Regular Salaries	1,124,881.00	1,124,881.00	77,667.96	837,656.92	287,224.08	74.47 %
001-541100-500140	Overtime Salaries	71,500.00	71,500.00	924.03	61,188.75	10,311.25	85.58 %
001-541100-500210	Employer Fica Taxes	87,300.00	87,300.00	6,149.63	70,373.92	16,926.08	80.61 %
001-541100-500220	Retirement	171,250.00	171,250.00	13,672.85	143,883.38	27,366.62	84.02 %
001-541100-500230	Group Insurance	327,750.00	327,750.00	17,564.44	243,927.25	83,822.75	74.42 %
001-541100-500315	Professional Services	65,000.00	65,000.00	4,134.20	31,818.15	33,181.85	48.95 %
001-541100-500340	Sewer/wastewater	18,000.00	18,000.00	1,627.57	15,364.85	2,635.15	85.36 %
001-541100-500345	Contractual Services	625,500.00	625,500.00	41,592.30	475,673.30	149,826.70	76.05 %
001-541100-500410	Communications	65,000.00	65,000.00	2,765.56	72,023.65	-7,023.65	110.81 %
001-541100-500430	Electric Service	58,000.00	58,000.00	5,758.71	53,882.42	4,117.58	92.90 %
001-541100-500431	Water Service	225,000.00	225,000.00	19,117.47	227,484.70	-2,484.70	101.10 %
001-541100-500433	Electric Service-streets	70,000.00	70,000.00	5,661.40	60,969.45	9,030.55	87.10 %
001-541100-500445	Equip Rent/lease	30,000.00	30,000.00	139.80	40,952.41	-10,952.41	136.51 %
001-541100-500460	Equipment Maintenance	45,000.00	45,000.00	12,804.85	67,281.11	-22,281.11	149.51 %
001-541100-500461	Vehicle Maintenance	25,000.00	25,000.00	904.70	12,893.08	12,106.92	51.57 %
001-541100-500462	Fuel	60,000.00	60,000.00	2,767.45	25,513.58	34,486.42	42.52 %
001-541100-500463	Service Maintenance Contracts	21,000.00	21,000.00	1,777.12	19,626.18	1,373.82	93.46 %
001-541100-500469	Buoy Maintenance	17,000.00	17,000.00	0.00	0.00	17,000.00	0.00 %
001-541100-500470	Radio Maintenance	3,000.00	3,000.00	0.00	3,900.00	-900.00	130.00 %
001-541100-500498	Storm Drain Rehab/maint	100,000.00	100,000.00	19,000.00	23,888.00	76,112.00	23.89 %
001-541100-500508	Postage	300.00	300.00	0.00	223.21	76.79	74.40 %
001-541100-500510	Office Supplies	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
001-541100-500520	Bldg. Maintenance	153,500.00	153,500.00	5,002.66	101,209.23	52,290.77	65.93 %
001-541100-500525	Uniform Expense	30,000.00	30,000.00	5,541.68	25,539.80	4,460.20	85.13 %
001-541100-500529	Street Light Maintenance	70,000.00	70,000.00	1,020.45	36,241.85	33,758.15	51.77 %
001-541100-500530	Street Maint Repair Supply	85,000.00	85,000.00	10,332.50	36,036.04	48,963.96	42.40 %
001-541100-500531	Grounds Maint/landscaping	55,000.00	55,000.00	995.90	34,825.28	20,174.72	63.32 %
001-541100-500532	Signs	12,500.00	12,500.00	0.00	9,343.38	3,156.62	74.75 %
001-541100-500534	Sidewalk Maint Repair	7,500.00	7,500.00	7,207.50	7,207.50	292.50	96.10 %
001-541100-500535	Flags	3,250.00	3,250.00	0.00	5,169.89	-1,919.89	159.07 %
001-541100-500536	Sea Oats	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
001-541100-500540	Dues & Subscriptions	4,000.00	4,000.00	0.00	2,199.80	1,800.20	55.00 %
001-541100-500545	Training	8,000.00	8,000.00	0.00	1,669.82	6,330.18	20.87 %
001-541100-500547	Hurricane Expenditure	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
001-541100-500550	Operating Expenses	150,000.00	150,000.00	9,176.34	125,388.21	24,611.79	83.59 %
001-541100-500624	Capital Outlay-bldg. Improvem	70,000.00	70,000.00	10,348.00	25,152.19	44,847.81	35.93 %
001-541100-500640	Capital Outlay - Equip & Mach	45,000.00	45,000.00	0.00	11,341.46	33,658.54	25.20 %
001-541100-500644	Capital Outlay-vehicles	57,459.00	57,459.00	0.00	39,788.67	17,670.33	69.25 %
Department: 541100 - Mun Srvsc - Public Works Div Total:		3,982,690.00	3,982,690.00	283,655.07	2,949,637.43	1,033,052.57	74.06%
Department: 572000 - Recreation							
001-572000-500342	Senior Rec. Ctr. Contract	113,999.00	113,999.00	8,975.30	108,565.82	5,433.18	95.23 %
001-572000-500463	Service Maintenance Contracts	2,500.00	2,500.00	134.44	1,749.75	750.25	69.99 %
001-572000-500510	Office Supplies	500.00	500.00	0.00	1,405.89	-905.89	281.18 %
Department: 572000 - Recreation Total:		116,999.00	116,999.00	9,109.74	111,721.46	5,277.54	95.49%
Department: 581100 - Interfund Transfers							
001-581100-380102	Transfer From Bldg-oh Costs	200,000.00	200,000.00	0.00	200,000.00	0.00	100.00 %
001-581100-380115	Transfer From Fire - Oh Costs	50,000.00	50,000.00	0.00	50,000.00	0.00	100.00 %
001-581100-500910	Transfer To Cip Fund	1,255,000.00	1,255,000.00	0.00	1,255,000.00	0.00	100.00 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

		Original	Current	Period	Fiscal	Variance	Percent
		Total Budget	Total Budget	Activity	Activity	Favorable (Unfavorable)	Used
001-581100-500916	Transfer to Fire	0.00	659,125.00	0.00	659,125.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Surplus (Deficit):		-1,005,000.00	-1,664,125.00	0.00	-1,664,125.00	0.00	100.00%
Fund: 001 - General Fund Surplus (Deficit):		0.00	0.00	-864,538.21	2,551,024.97	2,551,024.97	0.00%
Fund: 101 - Special Revenue-Police Conf							
Department: 306000 - Miscellaneous Revenues							
101-306000-369100	Miscellaneous Revenues	0.00	0.00	0.00	391.11	391.11	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 101 - Special Revenue-Police Conf Total:		0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 102 - Building Fund							
Department: 000000 - Assigned							
102-000000-380200	Appropriated Fund Balance	275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00 %
Department: 000000 - Assigned Total:		275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00%
Department: 302100 - Building Permit and Inpection							
102-302100-322100	Building Permits	1,393,019.00	1,393,019.00	197,012.97	1,249,558.89	-143,460.11	89.70 %
102-302100-322105	Fire Plan Review Fees	60,000.00	60,000.00	580.13	55,942.75	-4,057.25	93.24 %
102-302100-322106	Building Recording Fee	0.00	0.00	0.00	12.25	12.25	0.00 %
Department: 302100 - Building Permit and Inpection Total:		1,453,019.00	1,453,019.00	197,593.10	1,305,513.89	-147,505.11	89.85%
Department: 524100 - Building							
102-524100-500120	Regular Salaries	215,721.00	215,721.00	13,003.06	127,752.09	87,968.91	59.22 %
102-524100-500121	Temporary Salaries/ Interns	8,000.00	8,000.00	0.00	0.00	8,000.00	0.00 %
102-524100-500210	Employer Fica Taxes	17,400.00	17,400.00	814.37	5,244.78	12,155.22	30.14 %
102-524100-500220	Retirement	48,000.00	48,000.00	2,625.33	28,449.50	19,550.50	59.27 %
102-524100-500230	Group Insurance	80,000.00	80,000.00	3,011.06	33,817.94	46,182.06	42.27 %
102-524100-500310	Legal Expense	0.00	0.00	133.00	0.00	0.00	0.00 %
102-524100-500315	Professional Services	175,000.00	175,000.00	2,408.00	39,458.11	135,541.89	22.55 %
102-524100-500345	Contractual Services	79,000.00	79,000.00	1,400.00	65,572.96	13,427.04	83.00 %
102-524100-500402	Building Permit Services	900,000.00	900,000.00	106,969.27	605,640.55	294,359.45	67.29 %
102-524100-500463	Service Maintenance Contracts	3,000.00	3,000.00	-1,190.69	3,962.56	-962.56	132.09 %
102-524100-500550	Operating Expenses	2,000.00	2,000.00	0.00	2,345.62	-345.62	117.28 %
102-524100-581001	Transfer To GF-OH Costs	200,000.00	200,000.00	0.00	200,000.00	0.00	100.00 %
Department: 524100 - Building Total:		1,728,121.00	1,728,121.00	129,173.40	1,112,244.11	615,876.89	64.36%
Fund: 102 - Building Fund Surplus (Deficit):		0.00	0.00	68,419.70	193,269.78	193,269.78	0.00%
Fund: 103 - Sewer Fund							
Department: 000000 - Assigned							
103-000000-380200	Appropriated Fund Balance	8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00 %
Department: 000000 - Assigned Total:		8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00%
Department: 304000 - Charges for Services							
103-304000-343500	Sewer Fees	1,700,000.00	1,700,000.00	237,511.57	1,111,574.40	-588,425.60	65.39 %
Department: 304000 - Charges for Services Total:		1,700,000.00	1,700,000.00	237,511.57	1,111,574.40	-588,425.60	65.39%
Department: 306000 - Miscellaneous Revenues							
103-306000-361100	Interest Earnings	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00%
Department: 535000 - Sanitary Sewers							
103-535000-500120	Regular Salaries	112,900.00	112,900.00	7,856.25	94,239.54	18,660.46	83.47 %
103-535000-500140	Overtime Salaries	6,600.00	6,600.00	0.00	2,550.35	4,049.65	38.64 %
103-535000-500210	Employer Fica Taxes	8,637.00	8,637.00	598.66	7,484.90	1,152.10	86.66 %
103-535000-500220	Retirement	23,325.00	23,325.00	1,688.20	19,758.38	3,566.62	84.71 %
103-535000-500230	Group Insurance	42,100.00	42,100.00	1,923.24	24,006.30	18,093.70	57.02 %
103-535000-500340	Sewer/wastewater	1,010,000.00	1,010,000.00	0.00	696,596.77	313,403.23	68.97 %
103-535000-500345	Contractual Services	65,000.00	65,000.00	1,312.61	9,125.80	55,874.20	14.04 %
103-535000-500430	Electric Service	30,000.00	30,000.00	1,298.66	17,298.00	12,702.00	57.66 %
103-535000-500431	Water Service	500.00	500.00	29.41	432.68	67.32	86.54 %
103-535000-500459	Sewer Line Maintenance	200,000.00	200,000.00	8,980.00	47,751.86	152,248.14	23.88 %
103-535000-500465	Pump Station Maintenance	3,000.00	3,000.00	1,400.00	1,873.80	1,126.20	62.46 %
103-535000-500497	Contingency	100,000.00	100,000.00	0.00	0.00	100,000.00	0.00 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
103-535000-500506	Printing & Binding	1,250.00	1,250.00	0.00	518.00	732.00	41.44 %
103-535000-500550	Operating Expenses	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
103-535000-500630	Cap Outlay Imp Other Than Bldg	105,168.00	105,168.00	40,768.22	40,768.22	64,399.78	38.76 %
Department: 535000 - Sanitary Sewers Total:		1,710,480.00	1,710,480.00	65,855.25	962,404.60	748,075.40	56.27%
Fund: 103 - Sewer Fund Surplus (Deficit):		0.00	0.00	171,656.32	149,169.80	149,169.80	0.00%
Fund: 115 - Fire Fund							
Department: 000000 - Assigned							
115-000000-380203	Appropriation From Fire Fund	600,000.00	0.00	0.00	0.00	0.00	0.00 %
Department: 000000 - Assigned Total:		600,000.00	0.00	0.00	0.00	0.00	0.00%
Department: 301050 - Fire Assessment							
115-301050-311200	Property Tax-fire Assessment	1,347,159.00	1,347,159.00	0.00	1,376,454.74	29,295.74	102.17 %
Department: 301050 - Fire Assessment Total:		1,347,159.00	1,347,159.00	0.00	1,376,454.74	29,295.74	102.17%
Department: 304000 - Charges for Services							
115-304000-342210	Fire Inspection Fees	77,000.00	77,000.00	7,416.40	94,053.23	17,053.23	122.15 %
Department: 304000 - Charges for Services Total:		77,000.00	77,000.00	7,416.40	94,053.23	17,053.23	122.15%
Department: 306000 - Miscellaneous Revenues							
115-306000-369100	Miscellaneous Revenues	0.00	137,682.00	0.00	137,682.38	0.38	100.00 %
Department: 306000 - Miscellaneous Revenues Total:		0.00	137,682.00	0.00	137,682.38	0.38	100.00%
Department: 522000 - Fire Department							
115-522000-500310	Legal Expense	0.00	0.00	-26,653.20	0.00	0.00	0.00 %
115-522000-500315	Professional Services	83,000.00	178,819.00	92,292.00	178,819.10	-0.10	100.00 %
115-522000-500345	Contractual Services	987,100.00	1,011,675.00	86,362.50	1,011,675.00	0.00	100.00 %
115-522000-500520	Bldg. Maintenance	4,059.00	4,059.00	0.00	0.00	4,059.00	0.00 %
115-522000-500624	Capital Outlay-bldg. Improvem	900,000.00	900,000.00	0.00	0.00	900,000.00	0.00 %
115-522000-500646	Capital Outlay-Reserves	0.00	76,413.00	0.00	0.00	76,413.00	0.00 %
115-522000-500912	Transfer To General Fund	50,000.00	50,000.00	0.00	50,000.00	0.00	100.00 %
Department: 522000 - Fire Department Total:		2,024,159.00	2,220,966.00	152,001.30	1,240,494.10	980,471.90	55.85%
Department: 581100 - Interfund Transfers							
115-581100-381105	Transfer From General Fund	0.00	659,125.00	0.00	659,125.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:		0.00	659,125.00	0.00	659,125.00	0.00	100.00%
Fund: 115 - Fire Fund Surplus (Deficit):		0.00	0.00	-144,584.90	1,026,821.25	1,026,821.25	0.00%
Fund: 300 - Capital Project Fund							
Department: 000000 - Assigned							
300-000000-380200	Appropriated Fund Balance	615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00 %
Department: 000000 - Assigned Total:		615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00%
Department: 303000 - Intergovernmental Revenues							
300-303000-334920	Beach Portal-Funding	50,000.00	50,000.00	0.00	0.00	-50,000.00	0.00 %
300-303000-334929	Friedt Park Funding	200,000.00	200,000.00	0.00	0.00	-200,000.00	0.00 %
300-303000-334933	Resilient Florida Program (DEP) Gra...	200,000.00	200,000.00	0.00	0.00	-200,000.00	0.00 %
Department: 303000 - Intergovernmental Revenues Total:		450,000.00	450,000.00	0.00	0.00	-450,000.00	0.00%
Department: 519000 - General							
300-519000-500120	Regular Salaries	86,657.00	86,657.00	5,437.88	73,205.97	13,451.03	84.48 %
300-519000-500210	Employer Fica Taxes	6,630.00	6,630.00	416.00	5,531.93	1,098.07	83.44 %
300-519000-500220	Retirement	24,380.00	24,380.00	1,457.57	19,256.02	5,123.98	78.98 %
300-519000-500230	Group Insurance	18,975.00	18,975.00	1,111.79	13,206.28	5,768.72	69.60 %
300-519000-500640	Capital Outlay - Equipt & Mach	90,000.00	90,000.00	0.00	85,091.82	4,908.18	94.55 %
Department: 519000 - General Total:		226,642.00	226,642.00	8,423.24	196,292.02	30,349.98	86.61%
Department: 519161 - Town Hall / Public Safety							
300-519161-500629	Capital Outlay - Design/permit	500,000.00	500,000.00	0.00	0.00	500,000.00	0.00 %
Department: 519161 - Town Hall / Public Safety Total:		500,000.00	500,000.00	0.00	0.00	500,000.00	0.00%
Department: 545170 - El Prado Park							
300-545170-500630	Cap Outlay Imp Other Than Bldg	775,000.00	775,000.00	39,117.75	89,497.40	685,502.60	11.55 %
Department: 545170 - El Prado Park Total:		775,000.00	775,000.00	39,117.75	89,497.40	685,502.60	11.55%

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Department: 559027 - Storm Water Rate Study						
300-559027-500630 Cap Outlay Imp Other Than Bldg	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00 %
Department: 559027 - Storm Water Rate Study Total:	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
Department: 572101 - Beach Bathrooms						
300-572101-500630 Cap Outlay Imp Other Than Bldg	0.00	0.00	11,494.00	11,494.00	-11,494.00	0.00 %
Department: 572101 - Beach Bathrooms Total:	0.00	0.00	11,494.00	11,494.00	-11,494.00	0.00%
Department: 572102 - Beach Portal						
300-572102-500629 Capital Outlay - Design/permit	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00 %
Department: 572102 - Beach Portal Total:	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00%
Department: 572108 - FDOT A1A Pine Ave to Palm Ave						
300-572108-500630 Cap Outlay Imp other than bldg	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70 %
Department: 572108 - FDOT A1A Pine Ave to Palm Ave Total:	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70%
Department: 572110 - Tennis Court Lighting						
300-572110-500630 Cap Outlay Imp other than bldg	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40 %
Department: 572110 - Tennis Court Lighting Total:	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40%
Department: 572200 - Beach Renourishment						
300-572200-500630 Cap Outlay Imp Other Than Bldg	116,667.00	116,667.00	0.00	116,666.67	0.33	100.00 %
Department: 572200 - Beach Renourishment Total:	116,667.00	116,667.00	0.00	116,666.67	0.33	100.00%
Department: 572201 - Staghorn Coral Painting						
300-572201-500630 Cap Outlay Imp Other Than Bldg	0.00	0.00	0.00	9,097.66	-9,097.66	0.00 %
Department: 572201 - Staghorn Coral Painting Total:	0.00	0.00	0.00	9,097.66	-9,097.66	0.00%
Department: 575200 - Traffic Improvements & Calming						
300-575200-500630 Cap Outlay Imp Other Than Bldg	150,000.00	150,000.00	0.00	23,468.12	126,531.88	15.65 %
Department: 575200 - Traffic Improvements & Calming Total:	150,000.00	150,000.00	0.00	23,468.12	126,531.88	15.65%
Department: 575201 - Pedestrian Amenities						
300-575201-500630 Cap Outlay Imp Other Than Bldg	75,000.00	75,000.00	0.00	79,129.65	-4,129.65	105.51 %
Department: 575201 - Pedestrian Amenities Total:	75,000.00	75,000.00	0.00	79,129.65	-4,129.65	105.51%
Department: 576136 - Street Proj.Bougain.Poinciana						
300-576136-500629 Capital Outlay - Design/permit	225,000.00	225,000.00	7,404.00	7,404.00	217,596.00	3.29 %
Department: 576136 - Street Proj.Bougain.Poinciana Total:	225,000.00	225,000.00	7,404.00	7,404.00	217,596.00	3.29%
Department: 576138 - Roadway Paving & Refurbishment						
300-576138-500630 Cap Outlay Imp Other Than Bldg	483,691.00	483,691.00	16,148.70	182,476.38	301,214.62	37.73 %
Department: 576138 - Roadway Paving & Refurbishment Total:	483,691.00	483,691.00	16,148.70	182,476.38	301,214.62	37.73%
Department: 576305 - Resilient Florida Program -Project						
300-576305-500630 Cap Outlay Imp other than bldg	200,000.00	200,000.00	19,930.15	76,119.60	123,880.40	38.06 %
Department: 576305 - Resilient Florida Program -Project Total:	200,000.00	200,000.00	19,930.15	76,119.60	123,880.40	38.06%
Department: 577100 - Friedt Park						
300-577100-500630 Cap Outlay Imp Other Than Bldg	725,000.00	725,000.00	155,495.05	547,120.05	177,879.95	75.46 %
Department: 577100 - Friedt Park Total:	725,000.00	725,000.00	155,495.05	547,120.05	177,879.95	75.46%
Department: 577102 - 75th Anniversary Garden						
300-577102-500630 Cap Outlay Imp other than bldg	100,000.00	100,000.00	1,164.95	11,106.95	88,893.05	11.11 %
Department: 577102 - 75th Anniversary Garden Total:	100,000.00	100,000.00	1,164.95	11,106.95	88,893.05	11.11%
Department: 581100 - Interfund Transfers						
300-581100-381105 Transfer From General Fund	1,255,000.00	1,255,000.00	0.00	1,255,000.00	0.00	100.00 %
300-581100-381106 Transfer From Parking Fund	1,732,000.00	1,732,000.00	0.00	1,732,000.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:	2,987,000.00	2,987,000.00	0.00	2,987,000.00	0.00	100.00%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	-259,177.84	1,361,404.60	1,361,404.60	0.00%
Fund: 310 - Parking Fund						
Department: 302000 - Licenses & Permits						
310-302000-313101 Pilop Fee	40,000.00	40,000.00	0.00	10,500.00	-29,500.00	26.25 %
Department: 302000 - Licenses & Permits Total:	40,000.00	40,000.00	0.00	10,500.00	-29,500.00	26.25%
Department: 304000 - Charges for Services						
310-304000-344500 Parking Permits	148,000.00	148,000.00	4,092.78	115,223.71	-32,776.29	77.85 %

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
310-304000-344520	Parking Agreements	94,024.00	94,024.00	0.00	94,024.00	0.00	100.00 %
310-304000-344551	South Ocean	210,000.00	210,000.00	19,042.34	272,949.91	62,949.91	129.98 %
310-304000-344552	Ocean Front Meters	350,000.00	350,000.00	46,969.90	548,840.82	198,840.82	156.81 %
310-304000-344553	Commercial Blvd. Meters	90,000.00	90,000.00	10,635.11	157,975.54	67,975.54	175.53 %
310-304000-344554	Parking Meters - Beach	200,000.00	200,000.00	18,534.84	228,684.04	28,684.04	114.34 %
310-304000-344555	Palm Portal- Fdg	99,000.00	99,000.00	11,989.08	147,369.11	48,369.11	148.86 %
310-304000-344556	El Prado Parking Lot	650,000.00	650,000.00	42,114.97	584,603.26	-65,396.74	89.94 %
310-304000-344558	Town Hall Parking Lot	35,000.00	35,000.00	1,318.01	29,308.28	-5,691.72	83.74 %
310-304000-344559	El Mar Parking Lot	295,000.00	295,000.00	25,875.80	304,301.92	9,301.92	103.15 %
310-304000-344560	A1A Parking Lot	650,000.00	650,000.00	44,311.66	637,865.38	-12,134.62	98.13 %
310-304000-344563	Bougainvilla/ Poinciana	199,000.00	199,000.00	20,018.06	294,101.78	95,101.78	147.79 %
Department: 304000 - Charges for Services Total:		3,020,024.00	3,020,024.00	244,902.55	3,415,247.75	395,223.75	113.09%
Department: 305000 - Fines & Forfeitures							
310-305000-354100	Parking Fines	110,000.00	110,000.00	33,881.38	301,738.06	191,738.06	274.31 %
Department: 305000 - Fines & Forfeitures Total:		110,000.00	110,000.00	33,881.38	301,738.06	191,738.06	274.31%
Department: 306000 - Miscellaneous Revenues							
310-306000-362001	Bougainvilla Rent	149,760.00	149,760.00	18,333.94	125,109.65	-24,650.35	83.54 %
Department: 306000 - Miscellaneous Revenues Total:		149,760.00	149,760.00	18,333.94	125,109.65	-24,650.35	83.54%
Department: 545000 - Parking Operations							
310-545000-500120	Regular Salaries	236,000.00	236,000.00	17,032.07	203,512.43	32,487.57	86.23 %
310-545000-500140	Overtime Salaries	4,200.00	4,200.00	181.61	5,755.98	-1,555.98	137.05 %
310-545000-500210	Employer Fica Taxes	18,400.00	18,400.00	980.96	12,306.24	6,093.76	66.88 %
310-545000-500220	Retirement	45,000.00	45,000.00	3,469.08	38,747.90	6,252.10	86.11 %
310-545000-500230	Group Insurance	76,000.00	76,000.00	4,196.80	51,968.30	24,031.70	68.38 %
310-545000-500345	Contractual Services	523,000.00	523,000.00	15,392.82	393,466.45	129,533.55	75.23 %
310-545000-500353	Parking Alternatives	85,000.00	85,000.00	11,293.43	62,959.81	22,040.19	74.07 %
310-545000-500410	Communications	3,000.00	3,000.00	0.00	1,370.44	1,629.56	45.68 %
310-545000-500430	Electric Service	9,600.00	9,600.00	599.57	7,332.31	2,267.69	76.38 %
310-545000-500431	Water Service	27,500.00	27,500.00	1,331.04	16,861.09	10,638.91	61.31 %
310-545000-500445	Equip Rent/lease	5,500.00	5,500.00	0.00	0.00	5,500.00	0.00 %
310-545000-500461	Vehicle Maintenance	8,000.00	8,000.00	348.11	3,430.22	4,569.78	42.88 %
310-545000-500462	Fuel	15,000.00	15,000.00	1,146.64	8,408.64	6,591.36	56.06 %
310-545000-500463	Service Maintenance Contracts	48,588.00	48,588.00	2,520.00	38,436.00	10,152.00	79.11 %
310-545000-500497	Contingency	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
310-545000-500506	Printing & Binding	8,000.00	8,000.00	0.00	1,672.00	6,328.00	20.90 %
310-545000-500508	Postage	1,000.00	1,000.00	33.66	477.49	522.51	47.75 %
310-545000-500510	Office Supplies	1,000.00	1,000.00	0.00	199.90	800.10	19.99 %
310-545000-500525	Uniform Expense	5,000.00	5,000.00	0.00	246.85	4,753.15	4.94 %
310-545000-500532	Signs	13,000.00	13,000.00	1,550.00	6,369.71	6,630.29	49.00 %
310-545000-500533	Parking Meter Parts-supplies	38,000.00	38,000.00	0.00	2,686.79	35,313.21	7.07 %
310-545000-500545	Training	2,000.00	2,000.00	0.00	778.00	1,222.00	38.90 %
310-545000-500550	Operating Expenses	37,000.00	37,000.00	2,991.45	10,116.58	26,883.42	27.34 %
310-545000-500630	Cap Outlay Imp Other Than Bldg	32,310.00	32,310.00	0.00	0.00	32,310.00	0.00 %
310-545000-500640	Capital Outlay - Equipt & Mach	104,000.00	104,000.00	0.00	20,357.00	83,643.00	19.57 %
310-545000-500644	Capital Outlay-vehicles	31,686.00	31,686.00	0.00	17,697.47	13,988.53	55.85 %
310-545000-500646	Capital Outlay-Reserves	200,000.00	200,000.00	0.00	0.00	200,000.00	0.00 %
Department: 545000 - Parking Operations Total:		1,587,784.00	1,587,784.00	63,067.24	905,157.60	682,626.40	57.01%
Department: 581100 - Interfund Transfers							
310-581100-500910	Transfer To CIP Fund	1,732,000.00	1,732,000.00	0.00	1,732,000.00	0.00	100.00 %
Department: 581100 - Interfund Transfers Total:		1,732,000.00	1,732,000.00	0.00	1,732,000.00	0.00	100.00%
Fund: 310 - Parking Fund Surplus (Deficit):		0.00	0.00	234,050.63	1,215,437.86	1,215,437.86	0.00%
Report Surplus (Deficit):		0.00	0.00	-794,174.30	6,497,519.37	6,497,519.37	0.00%

Group Summary

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
000000 - Assigned	0.00	88,256.00	0.00	0.00	-88,256.00	0.00%
301000 - Ad Valorem Property Taxes	13,548,619.00	13,548,619.00	0.00	13,765,850.54	217,231.54	101.60%
301100 - Utility Taxes	1,198,700.00	1,198,700.00	132,723.56	1,133,931.90	-64,768.10	94.60%
301600 - Franchise Taxes	864,799.00	864,799.00	90,679.07	766,026.68	-98,772.32	88.58%
302000 - Licenses & Permits	187,200.00	241,200.00	30,103.82	262,809.02	21,609.02	108.96%
303000 - Intergovernmental Revenues	1,203,884.00	1,245,243.00	127,838.72	1,159,692.29	-85,550.71	93.13%
304000 - Charges for Services	7,250.00	7,250.00	250.00	13,210.00	5,960.00	182.21%
305000 - Fines & Forfeitures	87,000.00	87,000.00	4,436.10	76,165.98	-10,834.02	87.55%
306000 - Miscellaneous Revenues	383,560.00	936,975.00	68,604.86	885,274.50	-51,700.50	94.48%
511000 - Commission	352,150.00	352,150.00	18,102.68	228,409.92	123,740.08	64.86%
511100 - Donation-Non Profits	68,500.00	68,500.00	0.00	66,227.41	2,272.59	96.68%
511200 - Visitor Center	142,341.00	142,341.00	9,218.18	76,282.79	66,058.21	53.59%
513000 - Administration	1,381,915.00	1,503,282.00	240,631.74	1,266,205.67	237,076.33	84.23%
514000 - Town Attorney	408,000.00	408,000.00	48,635.63	277,361.47	130,638.53	67.98%
519000 - General	1,295,900.00	1,295,900.00	37,022.07	830,172.32	465,727.68	64.06%
519100 - Tourism and Community Outreach	653,550.00	653,550.00	72,193.79	469,163.06	184,386.94	71.79%
521000 - Police Department	6,439,135.00	6,439,135.00	487,854.92	6,353,402.62	85,732.38	98.67%
523000 - Emergency Medical Services	519,680.00	519,680.00	42,262.50	535,325.00	-15,645.00	103.01%
524000 - Development Services	1,115,152.00	1,071,690.00	70,488.02	683,901.79	387,788.21	63.82%
541100 - Mun Srvsc - Public Works Div	3,982,690.00	3,982,690.00	283,655.07	2,949,637.43	1,033,052.57	74.06%
572000 - Recreation	116,999.00	116,999.00	9,109.74	111,721.46	5,277.54	95.49%
581100 - Interfund Transfers	-1,005,000.00	-1,664,125.00	0.00	-1,664,125.00	0.00	100.00%
Fund: 001 - General Fund Surplus (Deficit):	0.00	0.00	-864,538.21	2,551,024.97	2,551,024.97	0.00%
Fund: 101 - Special Revenue-Police Conf						
306000 - Miscellaneous Revenues	0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 101 - Special Revenue-Police Conf Total:	0.00	0.00	0.00	391.11	391.11	0.00%
Fund: 102 - Building Fund						
000000 - Assigned	275,102.00	275,102.00	0.00	0.00	-275,102.00	0.00%
302100 - Building Permit and Inpection	1,453,019.00	1,453,019.00	197,593.10	1,305,513.89	-147,505.11	89.85%
524100 - Building	1,728,121.00	1,728,121.00	129,173.40	1,112,244.11	615,876.89	64.36%
Fund: 102 - Building Fund Surplus (Deficit):	0.00	0.00	68,419.70	193,269.78	193,269.78	0.00%
Fund: 103 - Sewer Fund						
000000 - Assigned	8,480.00	8,480.00	0.00	0.00	-8,480.00	0.00%
304000 - Charges for Services	1,700,000.00	1,700,000.00	237,511.57	1,111,574.40	-588,425.60	65.39%
306000 - Miscellaneous Revenues	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00%
535000 - Sanitary Sewers	1,710,480.00	1,710,480.00	65,855.25	962,404.60	748,075.40	56.27%
Fund: 103 - Sewer Fund Surplus (Deficit):	0.00	0.00	171,656.32	149,169.80	149,169.80	0.00%
Fund: 115 - Fire Fund						
000000 - Assigned	600,000.00	0.00	0.00	0.00	0.00	0.00%
301050 - Fire Assessment	1,347,159.00	1,347,159.00	0.00	1,376,454.74	29,295.74	102.17%
304000 - Charges for Services	77,000.00	77,000.00	7,416.40	94,053.23	17,053.23	122.15%
306000 - Miscellaneous Revenues	0.00	137,682.00	0.00	137,682.38	0.38	100.00%
522000 - Fire Department	2,024,159.00	2,220,966.00	152,001.30	1,240,494.10	980,471.90	55.85%
581100 - Interfund Transfers	0.00	659,125.00	0.00	659,125.00	0.00	100.00%
Fund: 115 - Fire Fund Surplus (Deficit):	0.00	0.00	-144,584.90	1,026,821.25	1,026,821.25	0.00%
Fund: 300 - Capital Project Fund						
000000 - Assigned	615,000.00	615,000.00	0.00	0.00	-615,000.00	0.00%
303000 - Intergovernmental Revenues	450,000.00	450,000.00	0.00	0.00	-450,000.00	0.00%
519000 - General	226,642.00	226,642.00	8,423.24	196,292.02	30,349.98	86.61%
519161 - Town Hall / Public Safety	500,000.00	500,000.00	0.00	0.00	500,000.00	0.00%
545170 - El Prado Park	775,000.00	775,000.00	39,117.75	89,497.40	685,502.60	11.55%
559027 - Storm Water Rate Study	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
572101 - Beach Bathrooms	0.00	0.00	11,494.00	11,494.00	-11,494.00	0.00%
572102 - Beach Portal	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00%

Budget Report

For Fiscal: 2024-2025 Period Ending: 08/31/2025

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
572108 - FDOT A1A Pine Ave to Palm Ave	255,000.00	255,000.00	0.00	244,045.00	10,955.00	95.70%
572110 - Tennis Court Lighting	45,000.00	45,000.00	0.00	31,677.90	13,322.10	70.40%
572200 - Beach Renourishment	116,667.00	116,667.00	0.00	116,666.67	0.33	100.00%
572201 - Staghorn Coral Painting	0.00	0.00	0.00	9,097.66	-9,097.66	0.00%
575200 - Traffic Improvements & Calming	150,000.00	150,000.00	0.00	23,468.12	126,531.88	15.65%
575201 - Pedestrian Amenities	75,000.00	75,000.00	0.00	79,129.65	-4,129.65	105.51%
576136 - Street Proj.Bougain.Poinciana	225,000.00	225,000.00	7,404.00	7,404.00	217,596.00	3.29%
576138 - Roadway Paving & Refurbishment	483,691.00	483,691.00	16,148.70	182,476.38	301,214.62	37.73%
576305 - Resilient Florida Program -Project	200,000.00	200,000.00	19,930.15	76,119.60	123,880.40	38.06%
577100 - Friedt Park	725,000.00	725,000.00	155,495.05	547,120.05	177,879.95	75.46%
577102 - 75th Anniversary Garden	100,000.00	100,000.00	1,164.95	11,106.95	88,893.05	11.11%
581100 - Interfund Transfers	2,987,000.00	2,987,000.00	0.00	2,987,000.00	0.00	100.00%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	-259,177.84	1,361,404.60	1,361,404.60	0.00%
Fund: 310 - Parking Fund						
302000 - Licenses & Permits	40,000.00	40,000.00	0.00	10,500.00	-29,500.00	26.25%
304000 - Charges for Services	3,020,024.00	3,020,024.00	244,902.55	3,415,247.75	395,223.75	113.09%
305000 - Fines & Forfeitures	110,000.00	110,000.00	33,881.38	301,738.06	191,738.06	274.31%
306000 - Miscellaneous Revenues	149,760.00	149,760.00	18,333.94	125,109.65	-24,650.35	83.54%
545000 - Parking Operations	1,587,784.00	1,587,784.00	63,067.24	905,157.60	682,626.40	57.01%
581100 - Interfund Transfers	1,732,000.00	1,732,000.00	0.00	1,732,000.00	0.00	100.00%
Fund: 310 - Parking Fund Surplus (Deficit):	0.00	0.00	234,050.63	1,215,437.86	1,215,437.86	0.00%
Report Surplus (Deficit):	0.00	0.00	-794,174.30	6,497,519.37	6,497,519.37	0.00%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
001 - General Fund	0.00	0.00	-864,538.21	2,551,024.97	2,551,024.97
101 - Special Revenue-Police Conf	0.00	0.00	0.00	391.11	391.11
102 - Building Fund	0.00	0.00	68,419.70	193,269.78	193,269.78
103 - Sewer Fund	0.00	0.00	171,656.32	149,169.80	149,169.80
115 - Fire Fund	0.00	0.00	-144,584.90	1,026,821.25	1,026,821.25
300 - Capital Project Fund	0.00	0.00	-259,177.84	1,361,404.60	1,361,404.60
310 - Parking Fund	0.00	0.00	234,050.63	1,215,437.86	1,215,437.86
Report Surplus (Deficit):	0.00	0.00	-794,174.30	6,497,519.37	6,497,519.37

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of August 31,2025

Bank / Other	GL No.	Bank No.	Account Name	Account Type	Bank/ Pool	Balance 8/31/2025	Interest/ Avg % Yield	Interest/Chg Mkt Value	Interest/ Year to Date
001 General Fund:									
Truist	101.000	8015	Master Account	Analyzed Interest Checking	Truist	6,162,784.49	2.55%	12,359.90	207,909.17
Truist	101.009	6876	Emergency Reserve	Public Special Money Rate Checking	Truist	2,622,770.03	2.87%	6,369.73	57,632.62
GENERAL FUND						8,785,554.52		18,729.63	265,541.79
SBA	101.300	1471-A	General Fund Invest Acct A	SBA Invest Pool	SBA	202,951.88	4.44%	763.00	8,368.01
SBA	101.400	1472-A	Emergency Reserves Acct A	SBA Invest Pool	SBA	98,464.70	4.44%	378.18	4,067.82
SBA	101.301	1473-A	Florida Prime Investment	SBA Investment	SBA	3,047,619.83	4.46%	11,457.52	47,619.83
SouthState Inv.	101.110	9371	Investment	Investment	SSTI	2,025,112.65			
GENERAL FUND						5,374,149.06		12,598.70	60,055.66
GENERAL FUND						14,159,703.58		31,328.33	325,597.45
101 Police Forfeiture & Training									
Truist	101.100	9613	Police Forfeiture Fund	Analyzed Interest Checking	Truist	589.59	2.55%	Included Above	Included Above
POLICE FUND						589.59		0.00	0.00
103 Sewer Enterprise Fund									
Truist	101.105	9999	Sewer Enterprise Fund	Analyzed Interest Checking	Truist	1,166,402.03	2.55%	2,411.22	25,052.11
SEWER FUND						1,166,402.03		2,411.22	25,052.11
115 Fire Fund:									
Truist	101.109	5379	Fire Fund Account	Analyzed Interest Checking	Truist	960,985.89	2.55%	1,860.58	18,550.10
Truist	101.110	6701	Public Safety Facility Account	Analyzed Interest Checking	Truist	1,277,303.38	2.55%	2,557.36	12,038.89
FIRE FUND						960,985.89		4,417.94	18,550.10
300 Capital Improvement Fund:									
Truist	101.115	0010	Capital Improvement Fund	Analyzed Interest Checking	Truist	3,569,240.18	2.55%	7,768.35	53,610.98
CAPITAL IMPROVEMENT FUND						3,569,240.18		7,768.35	53,610.98
310 Parking Improvement Fund									
Truist	101.125	0120	Parking Improvement Account	Analyzed Interest Checking	Truist	6,945,357.70	2.55%	14,345.07	140,961.62
Truist	101.128	8554	PILOP Account	Analyzed Interest Checking	Truist	200.00	2.55%	Included Above	Included Above
PARKING FUND						6,945,557.70		14,345.07	140,961.62
102 Building Fund									
Truist	101.104	8686	Building Account	Analyzed Interest Checking	Truist	1,289,274.19	2.55%	2,592.85	26,567.84
BUILDING FUND						1,289,274.19		2,592.85	26,567.84
ALL FUNDS						28,091,753.16		62,863.76	590,340.10

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of August 31,2025

Summary by Investment Type		Amount	Percent
	Interest Bearing Checking	22,717,604.10	81%
	Non-interest Bearing Checking	0.00	0%
	SBA Trust Fund/Pools	301,416.58	1%
	SBA Florida Prime Investment	3,047,619.83	
	Investment	2,025,112.65	7%
	Repurchase Agreements	0.00	0%
	Money Market Funds	0.00	0%
	U.S. Securities/Treasuries	0.00	0%
	U.S. Federal Agencies	0.00	0%
	Federal Instrumentalities	0.00	0%
GRAND TOTAL		28,091,753.16	89%

Summary by Fund		Amount	Percent
101.000/101-400	General Fund	14,159,703.58	50%
	Police Fund	589.59	0%
	Sewer Fund	1,166,402.03	4%
	Fire Fund	960,985.89	3%
	Building Fund	1,289,274.19	5%
	Capital Improvement Fund	3,569,240.18	13%
	Parking Fund	6,945,557.70	25%
GRAND TOTAL		28,091,753.16	100%

Summary by Bank/Pool/Inv		Amount	Percent
	Truist	22,717,604.10	81%
	Investment	2,025,112.65	7%
	Florida Prime/Investment	3,047,619.83	11%
	Florida Prime/State Board of Admin.	301,416.58	1%
GRAND TOTAL		28,091,753.16	100%



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Courtney Easley, Acting Town Clerk/Assistant to Town Manager

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of minutes for September 2025 Meetings

Explanation: Approval of the following meeting minutes from September 2025:

- 9-10-25 LBTS Budget Hearing #1 draft minutes
- 9-12-25 Regular Commission Meeting draft
- 9-24-25 LBTS Budget Hearing #2 draft minutes
- 9-24-25 Regular Commission Meeting draft

Recommendation: Accept/Approve

Exhibits:

1. 09-10-25 LBTS Budget Hearing #1 draft minutes
2. 09-12-25 Regular Commission Meeting draft
3. 09-24-25 LBTS Budget Hearing #2 draft minutes
4. 09-24-25 Regular Commission Meeting draft



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 N. Ocean Drive
Wednesday, September 10, 2025
5:01 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 5:10 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Interim Town Manager Ken Rubach, Town Attorney Susan L. Trevarthen, Director of Budget and Finance Lucila Lang, Assistant Director of Budget and Finance Edner St. Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/Assistant to the Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Howard Goldberg, chair of the Chamber of Commerce, recalled that the Chamber has assisted the Town by helping to operate the Visitor Center for over 60 years. They hope to restore efficient operations that save taxpayers' money and improve connections for residents, businesses, and visitors. He concluded that the Chamber's model for managing the Center would save Town taxpayers over \$41,000 annually.

Karen Sylvester, resident, addressed the proposed fiscal year (FY) 2026 budget and millage rate, noting that Staff recommends retaining the current millage rate. She encouraged the Commission to keep costs under control by removing the El Mar Drive paving project from the Capital Improvement Plan, but recommended proceeding with the West Plaza refurbishment project.

Ina Marjakangas, representing the Lauderdale-By-The-Sea Merchants' Association and member of the Chamber of Commerce and Beach Council Committee, stated that she recently attended the IPW Partnership Summit in preparation for the IPW Conference, which will be hosted by Fort Lauderdale in May 2026. She requested that the Town Commission set aside funds and resources so the Town can participate in that upcoming event.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

None.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. FY2026-Non-Profit Donation Requests

Director of Budget and Finance Lucila Lang requested Commission direction regarding FY 2026 nonprofit donation requests. A Commission memorandum lists the amounts and percentages set aside for donations in prior years, as well as the amounts provided to organizations the previous year and their requests for the current year. The Commission approved \$68,500 in nonprofit donations in FY 2025.

Director of Budget and Finance Lang advised that in addition to nonprofit organizations funded in FY 2025, there are two new requests: Honor Flight South Florida requests \$40,000, and Chabad Lauderdale-By-The-Sea requests \$7,000. The total requests submitted for FY 2026 come to \$139,269, which would be an increase of \$70,769 over the previous year.

Mayor Malkoon noted that some organizations, such as the Area Council on Aging, request a cost share based on the services they provide the Lauderdale-By-The-Sea community. Director of Budget and Finance Lang confirmed this.

Commissioner Graziano stated that he is supportive of providing limited funds to nonprofit entities based in Lauderdale-By-The-Sea. He felt the Commission should offer nonprofits a token of appreciation, but should not support them financially.

Commissioner Graziano recalled that his recommendation in FY 2025 was to provide all nonprofits based in the Town and serving Town residents with \$2,500. Director of Budget and Finance Lang clarified that there are four Town-based entities which have applied for donations: the Lauderdale-By-The-Sea Garden Club, Merchants' Association, Woman's Club, and Chabad.

Mayor Malkoon advised that the Town is facing a challenging economic period, and felt it would be prudent, in light of existing and potential changes at the state level, to take a fiscally conservative approach. He recommended a donation of \$1,000 to each of the nonprofits, with the exception of cost-sharing organizations such as the Area Council on Aging. He recommended funding the Garden Club at the full amount, as it is celebrating its 75th anniversary and proposes projects that would benefit the entire Town.

Commissioner DeNapoli also agreed with limiting donations to an equal amount for most organizations, with the possibility of a slightly higher donation for entities based in Lauderdale-By-The-Sea. Commissioner Pouloupoulos agreed as well, recognizing the Town's budget constraints as well as its operating needs.

Vice Mayor Strauss observed that while some of the nonprofits funded in the past are not based in the Town, they serve Lauderdale-By-The-Sea residents. He recalled that in previous years, nonprofit organizations made presentations to the Commission which provided information on the number of residents served, and recommended that this be kept in mind when finalizing donations.

Vice Mayor Strauss requested clarification of the Mayor's recommendation for funding the Garden Club. Mayor Malkoon explained that the Garden Club is requesting \$2,500, which would be used toward planting and gardening at Town facilities.

Town Attorney Susan Trevarthen suggested that any motion addressing nonprofit donations provide guidance for Staff so they can bring back a proposal for final approval at the September 24, 2025 meeting. Another option would be to make a detailed motion for each individual nonprofit entity.

At this time Mayor Malkoon opened public comment.

Ann Marchetti, resident, representing the Lauderdale-By-The-Sea Garden Club, acknowledged the financial constraints facing the Town in FY 2026, and proposed that the Commission consider funding the four Town-based organizations at a negotiated amount. She reviewed the Garden Club's plans for its funding, which would include an Orchid Walk, contributions to the Visitor Center garden, and plans for a garden at Town Hall.

Linda Collins, resident, representing the Woman's Club of Lauderdale-By-The-Sea, advised that this organization recently installed new impact-resistant windows in its facility which were funded by the Town in FY 2025. She requested that the Commission consider funding for similar improvements in FY 2026. The Woman's Club also donates to local charitable entities.

Annie Berry, owner of the Wild Berry Salon, addressed the proposed revitalization of the Town's western corridor, emphasizing that efforts by businesses and property owners in the west are not sufficient on their own to raise the profile of that area. She recommended

improved signage, walking maps, landscaping, lighting, and more to create a sense of place and better visual impact.

Ina Marjakangas, representing the Merchants' Association, explained that this organization was formed during the COVID-19 epidemic, when changes related to that event negatively affected the Town's western corridor in particular. The Association produces a shopping map, promotes local businesses, and participates in community events.

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

Mayor Malkoon recalled that in FY 2025, the Commission had discussed a policy of requesting verified receipts for the use of donated funds by Town-based entities. There was unanimous Commission consensus to continue this policy in FY 2026.

Commissioner Poulopoulos made a motion, seconded by Commissioner Graziano, for \$1,000 per recipient for organizations in Lauderdale-By-The-Sea, and for those nonprofits that document the services provided to the Town, which would be compensated for their services, as well as full funding of the donation request by the Garden Club, and for continued documentation with receipts. In a roll call vote, the motion carried 5-0.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Comments were deferred to the Regular Town Commission Meeting.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. **RESOLUTION 2025-39 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING THE PROPOSED TOWN AD VALOREM TAX MILLAGE RATE AT 3.9235 MILLS PER THOUSAND DOLLARS OF TAXABLE ASSESSED VALUE, WHICH IS 5.35% ABOVE THE ROLLED BACK MILLAGE RATE OF 3.7241 MILLS COMPUTED PURSUANT TO STATE LAW, FOR THE 2025 TAX YEAR; ANNOUNCING THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.**

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

Director of Budget and Finance Lang advised that her presentation would cover both Items 18.a and 18.b.

The proposed FY 2026 budget is based on the current millage rate of 3.9235. Today's meeting is the first public budget hearing for review of the proposed budget prepared by Staff. The final budget hearing is scheduled for September 24 and will include adoption of the millage rate and final budget for FY 2026.

The rolled back rate, which is the millage rate the Town would adopt if they wished to maintain roughly the same revenue as FY 2025, is 3.7241. Property values in the Town have increased by approximately 5.35%; retaining the current millage rate of 3.9235 will mean the Town will receive an additional \$742,957 in revenue.

65% of the total General Fund balance comes from ad valorem taxes. In FY 2025, the Town received \$13.5 million; the same millage rate in FY 2026 will bring in roughly \$14.3 million.

The Town includes the following funds:

- General Fund: \$21.7 million, 61% of the total budget
- Parking Fund: \$3.6 million, 10% of the total budget
- Capital Improvement Fund: \$3.9 million, 11% of the total budget
- Fire Fund: \$2.5 million, 7% of the total budget
- Building Fund: \$1.9 million, 5% of the total budget

- Sewer Fund: \$1.8 million, 5% of the total budget

The Building, Sewer, and Fire Funds are Enterprise Funds, which means the Fire Fund is funded by the Town's fire assessment, the Building Fund from building permit fees, and the Sewer Fund from sewer rates.

Major expenditures anticipated in FY 2026 include:

- Public safety services, including Broward Sheriff's Office (BSO) and Emergency Medical Services (EMS)
- Employee benefits and insurance; health insurance is expected to increase by roughly 17%, along with property and compensation insurance
- Florida Retirement System (FRS) contributions
- Contractual services; these are affected by general inflationary pressures

The Town's public safety budget is comprised of approximately 40% of income from the General Fund. BSO's proposed budget is \$7.27 million, while EMS is proposed at \$1.4 million. These total \$8.7 million. EMS will see a significant increase because the City of Pompano Beach has chosen to terminate its contract with the Town. The BSO increase is approximately 13%, or \$839,000.

Capital improvement projects total roughly 3.8% of the budget and include the following:

- Beach renourishment: one payment of \$116,000 remains
- Beach portal design: \$775,000, carried over from FY 2025
- El Prado Park: \$1.3 million, currently in the planning stage
- West Plaza refurbishments: \$500,000
- Roadway paving: \$400,000
- Stormwater lining: \$500,000
- Florida Department of Transportation (FDOT) manhole covers: \$100,000
- Bougainvillea/Poinciana project: \$100,000, carried over from FY 2025

Total capital improvement expenses are \$3.9 million. The Town will receive a grant for the beach portal project in FY 2026 which will provide \$50,000. Staff proposes a transfer of \$3 million from the General Fund to the Capital Improvement Plan (CIP).

Director of Budget and Finance Lang requested Commission direction on capital improvement projects. She noted that the proposed millage rate of 3.9235 is the third-lowest rate among local municipalities, with only Hillsboro Beach and Southwest Ranches proposing lower rates.

A homestead exemption increase from \$50,000 to \$75,000 has been proposed for Florida residents. There is also discussion at the state level of a temporary tax rebate program which would return approximately \$1,000 in property taxes per homestead. If these programs are approved, the resulting lost revenue for the Town would be between \$2 million and \$3 million. A Constitutional amendment to eliminate property taxes in Florida has also been proposed which would require 60% supermajority voter approval. This would result in roughly \$14 million in lost revenue.

Director of Budget and Finance Lang continued that following individual discussions with the Commissioners, she had examined legal expenses from recent years, which were as follows:

- FY 2021: \$338,000
- FY 2022: \$360,000
- FY 2023: \$278,000
- FY 2024: \$335,000
- FY 2025: \$242,000 (to date)

Another item raised during individual discussions was the balance maintained in the General Fund. The Town maintains an average balance of \$6 million in this account. Director of Budget and Finance Lang recalled that it was suggested some of this balance be invested in a higher interest-bearing account with sufficient flexibility to remove it if needed. She confirmed that this is a possibility, but pointed out that the proposed transfer of \$3.2 million in FY 2026 means that amount is available in unencumbered funds. This would decrease the General Fund to roughly \$3 million. The Town seeks to maintain approximately \$3 million in the General Fund to operate the daily business of Lauderdale-By-The-Sea. Another fund that includes potential investment dollars is the Parking Fund.

It was clarified that while both Resolutions were presented together, they must be voted upon separately.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve the millage rate of 3.9235.

Commissioner Graziano commented that while he had originally considered lowering the millage rate, he felt the current financial atmosphere in the state of Florida warranted reconsideration. He added that it may be possible to realize more savings when reviewing specific budget items.

Commissioner Poulopoulos stated that while he had felt differently during earlier budget discussions, he was now in favor of the West Plaza refurbishment project. He also agreed with retaining the FY 2025 millage rate rather than adopting the rolled back rate.

In a roll call vote, the motion carried 5-0.

b. RESOLUTION 2025-40 -- A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE TOWN BUDGET FOR THE 2025-2026 FISCAL YEAR; ANNOUNCING THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE FINAL TOWN BUDGET FOR THE 2025-2026 FISCAL YEAR; PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Graziano recalled that he had previously raised the issue of legal costs, stating that the budget of \$420,000 for this item was excessive. He recommended budgeting a lesser amount.

Mayor Malkoon also addressed legal expenses, noting that the Town has a letter of retainer which provides for 3% escalation each year. This letter has been in effect since FY 2022, which means each year the increase could be levied with appropriate notice. He continued that the Town can also consider maintaining a reserve amount of \$50,000 in order to prevent budgeting for an extra amount each year.

With respect to Fire and EMS services, Mayor Malkoon advised that this contract has increased substantially. The Town was previously under-billed by Pompano Beach for their contract and is now being billed at actual costs. Many of these costs are union-controlled, which means the Town has little recourse; however, the Town can change service levels and address vacancy credits, overtime controls and reporting, staffing efficiencies, and more.

Mayor Malkoon continued that another major cost driver is BSO, which proposes an increase of 13.2%. This will mean an increase from \$6.32 million to \$7.16 million. He has reached out to BSO with questions, including whether or not the Town's BSO coverage is the right size for the community. No staffing changes are proposed by BSO.

Mayor Malkoon added that the Town also has an additional agreement with BSO which was \$100,000 in FY 2025 for enhanced Downtown coverage. The cost of this agreement has increased regularly. This agreement was implemented during the height of the COVID-19 pandemic to help Police enforce restrictions and other required actions. Because this was not a crime-related protection, the Town may wish to reconsider its value.

Regarding the Parking Fund and reserves, Mayor Malkoon stated that best practices for this Fund recommend three to six months' reserves for expenses. The Town's reserves are significantly higher than this recommendation, which means the additional funds could be used toward capital improvements. He recalled that businesses have cited parking as a potential deterrent for visitors and customers, as other Broward municipalities offer lower parking fees. He suggested the Commission may wish to consider providing parking relief.

Mayor Malkoon continued that he would like to see the Chamber of Commerce and other business associations step in with respect to any additional need for advertising and marketing. This could include targeted campaigns that are co-funded by the business community. Other possibilities include creation of a single annual permit for recurring events, launching regular business roundtables, and appointing a Town Hall business concierge.

Mayor Malkoon concluded that the Town must observe fiscal responsibility and remain as lean as possible without compromising vital services for residents.

Commissioner DeNapoli stated that he also felt parking fees are too high and should be reviewed for possible decreases. He was also in favor of a Parking Fund analysis to determine whether or not its reserves are realistic and appropriate, and of supporting the Town's western commercial corridor.

Interim Town Manager Ken Rubach advised that while the Parking Fund reserves are currently very high, a \$4.5 million stormwater project is planned for FY 2027. He explained that reserves have been held with larger projects of this nature in mind. Extra reserves have also been held in light of the possibility of changes in property taxes.

Commissioner Poulopoulos made a motion, seconded by Commissioner DeNapoli, to approve. In a roll call vote, the motion carried 5-0.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 6:27 p.m.

Mayor Edmund Malkoon

ATTEST:

Courtney Easley, Acting Town Clerk

Date



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Friday, September 12, 2025
5:02 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 5:02 p.m. Also present were Vice Mayor Randy Strauss (by phone), Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Interim Town Manager Ken Rubach, Town Attorney Susan L. Trevarthen, Director of Budget and Finance Lucila Lang, Assistant Director of Budget and Finance Edner St. Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/Assistant to the Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

None.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for

None.

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

12. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2025-41 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING THE FINAL FIRE ASSESSMENT RATE ON PROPERTY THAT IS SPECIALLY BENEFITED BY THE FIRE PROTECTION SERVICES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025 AND ENDING SEPTEMBER 30, 2026; PROVIDING FOR AN INCREASE IN RATES FOR FIRE PROTECTION SERVICES; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL FOR FIRE PROTECTION ASSESSMENT AREA-TOWNWIDE; CONFIRMING THE FINAL ASSESSMENT ROLLS AND LEVYING SUCH SPECIAL ASSESSMENTS.**

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

Director of Budget and Finance Lucila Lang advised that the purpose of tonight's meeting is the consideration and approval of the second reading of non-ad valorem assessment rates for Fire services. At the July 8, 2025 Town Commission meeting, the Commission adopted the following tentative rates:

- \$303.39 per residential unit

- \$0.45 per square foot of commercial property

In the previous year, Resolution 2024-35 provided for an annual 5% increase in the Fire Assessment beginning on October 1, 2025 through fiscal year (FY) 2037. Since that time, the City of Pompano Beach has elected to terminate its contract with the Town and has indicated that they will begin invoicing the Town for actual costs. These costs are currently projected at between \$3.6 million and \$3.9 million annually. Staff prepared the FY 2026 budget based on the \$3.6 million estimate.

Director of Budget and Finance Lang explained that 60% of the \$3.6 million is allocated to the Fire Fund and 40% to the General Fund, which covers Emergency Medical Services (EMS) costs.

Under the FY 2026 Fire Assessment rates, the Town anticipates receiving \$2.3 million for the Fire Fund. This amount would support contractual services currently provided by Pompano Beach Fire Rescue (PBFR), as well as legal and financial services if the Town chooses to go through the public-private partnership (P3) process for the design of a new public safety facility. This will be determined by the Commission.

Additional considerations include the fact that, as of today's date, the Town has received no additional invoices from PBFR; at present, they continue to be billed for the amount of the contract. If expenses exceed what has been projected, there is additional funding in the Fire Fund which can be used to cover some increases.

Commissioner DeNapoli requested clarification of the projected range of costs. Director of Budget and Finance Lang advised that PBFR provided the Town with the range of \$3.6 million to \$3.9 million. Mayor Malkoon had also made a public records request to the City of Pompano Beach; however, that City did not provide the Town with detailed information, instead stating that their budget was based on all the municipalities they served, with no exact breakdown.

Director of Budget and Finance Lang added that should the Town choose to contract with another provider for Fire services, the costs could be as high as approximately \$7 million; however, that information is not yet available.

Commissioner DeNapoli also requested clarification of the other sources from which money could be taken to cover any shortfall by the Fire Fund. Director of Budget and Finance Lang recalled that in recent years, the Town has set aside \$300,000 from the Fire Fund toward the cost of a new public safety building. This could be reallocated toward

Fire costs. There are also very small reserves within the Fire Fund totaling roughly \$800,000. It is difficult to estimate whether any of these reserves may remain at the end of FY 2026.

Director of Budget and Finance Lang added that she has reached out to PBFR to request updated billing information, including whether or not the Town will be billed for the months of July through September 2025; however, she has not received this information.

Mayor Malkoon asked if the proposed fee is expected to break even if costs are close to the estimated \$3.6 million. Director of Budget and Finance Lang replied that this amount would allocate \$2.1 million to the Fire Fund. Should the Commission choose to issue a P3, there would be additional legal and financial expenses. \$150,000 is budgeted for the design phase of the proposed public safety facility.

Mayor Malkoon asked if there is a way to receive half of the projected increase up front and extend the rest over the next couple of years by using reserves. Director of Budget and Finance Lang stated that the proposed amount is estimated to break even, depending upon whether other anticipated expenses may occur. The funds set aside for the public safety facility are one option. She noted that the Interim Town Manager has requested information from other potential providers, and those costs may reach as much as \$7 million.

Interim Town Manager Ken Rubach advised that one reason for the ambiguity in numbers is the way in which the Town is billed, which is by an hourly rate. He recommended retaining the proposed rate, as any overage could be used to lessen a substantial increase next year.

Commissioner Graziano requested clarification of the direct relationship between the proposed P3 and what the Commission is currently discussing. Director of Budget and Finance Lang replied that a P3 is one possibility the Commission may wish to consider for a new public safety facility. The FY 2026 budget includes contractual services at \$2.16 million, with an additional \$150,000 for the Fire portion of the proposed public safety building.

Commissioner Pouloupoulos observed that the Town should carefully consider the proposed public safety building, as they do not know what the costs for Fire services may be over the next few years.

Commissioner DeNapoli asked if the Town is aware of the metrics used by PBFR to determine what the Town is charged. Director of Budget and Finance Lang replied that the Mayor of Pompano Beach had sent the Town a letter stating that the budget is prepared and maintained for the entire PBFR Department and is not broken down exclusively by the Town's contract. The letter also indicates that the costs represent the Department as a whole rather than being isolated by contract jurisdiction. Projections for service to Lauderdale-By-The-Sea are based on salaries only, not including overtime.

Commissioner DeNapoli noted that the proposed increase in costs is 73%, and asked if it is possible that PBFR might see the Town's estimate for services and charge that amount. Director of Budget and Finance Lang recalled that the previous Town Manager had requested actual costs from January through June 2026, but the Town did not receive this information.

Interim Town Manager Rubach explained that the language in the contract with PBFR refers to actual costs, which do not necessarily have any profit built into that estimate. He added that once the Town receives its first invoice under the new billing system rather than the contractual rate, the Town will begin requesting invoices to ensure these costs match up.

Commissioner Graziano advised that he found the letter from the Mayor of Pompano Beach to be unacceptable, as that municipality has not told the Town how much the contract is costing them. It was noted that the letter was dated August 27, 2025 and was sent in response to Mayor Malkoon's public records request.

Town Attorney Susan Trevarthen reminded the Commission that PBFR could have begun charging actual costs as of July 1, 2025. The Town has benefited by the continued charge of contractual costs rather than actual costs. Interim Town Manager Rubach added that the actual costs will depend upon PBFR's staffing and actual expenses, which may vary on a monthly basis and need to be reconciled. The invoice is likely to include variable costs, which is why the range was provided.

Commissioner DeNapoli requested clarification of how the Fire Assessment is levied on individual taxpayers. Director of Budget and Finance Lang explained that the final Truth in Millage (TRIM) notice, which will be sent out in November, will include this information as non-ad valorem taxes and will be calculated according to the specific rates cited earlier in the meeting.

Commissioner Poulopoulos made a motion, seconded by Commissioner Graziano, to accept the proposed Fire Assessment. Motion carried 4-1 (Commissioner DeNapoli dissenting).

11. COMMISSIONER COMMENTS

Commissioner Graziano stated that the Audit Advisory Committee has completed its review of the responses submitted to the Town's request for proposal (RFP). Their recommendation will be brought forth as an Agenda Item at a subsequent meeting.

Commissioner DeNapoli advised that he had voted against tonight's Resolution because he felt 73% was too high an increase, and that the amount could have been lessened by using monies from other Town funds.

Commissioner Poulopoulos noted that September 13, 2025 will be the reopening date for the new Friedt Family Park. Residents are encouraged to attend between 9 a.m. and 11 a.m.

13. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 5:28 p.m.

Mayor Edmund Malkoon

ATTEST:

Courtney Easley, Acting Town Clerk

Date



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Wednesday, September 24, 2025
5:01 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 5:05 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Interim Town Manager Ken Rubach, Town Attorney Susan L. Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner St. Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/Assistant to the Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Ina Marjakangas, representing the Lauderdale-By-The-Sea Merchants Association, encouraged the Commission to set aside funds for the Town's participation in the upcoming IPW Conference, noting that other Broward municipalities are participating in this event.

Ms. Marjakangas recalled the inception of the Merchants Association, which was formed during the COVID-19 pandemic to support Town businesses, particularly those on the Town's western corridor. She characterized the charitable donation requested by this Association as an important way to help these businesses.

Interim Town Manager Ken Rubach confirmed that funds in the proposed fiscal year (FY) 2025-2026 budget are allotted for participation in the IPW Conference, which is scheduled for summer 2026.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

None.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

None.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

It was determined that Items 18.a and 18.b would be presented together and voted upon separately.

- a. **RESOLUTION 2025-43 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING AND ADOPTING THE FINAL TOWN AD VALOREM TAX MILLAGE RATE AT 3.9235 MILLS PER THOUSAND DOLLARS OF TAXABLE ASSESSED VALUE, WHICH IS 5.35% ABOVE THE ROLLED BACK MILLAGE RATE OF 3.7241 MILLS COMPUTED PURSUANT TO STATE LAW, FOR THE 2025 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

Finance Director Lucila Lang stated that tonight's meeting is the second and final public hearing for the FY 2025-2026 budget, with Resolutions establishing the millage rate and adopting the budget for that year. The millage rate is proposed at 3.9235, which was approved upon first reading at the September 10, 2025 budget hearing.

When the proposed budget was presented to the Commission on September 10, the Commission directed Staff to revisit nonprofit donation requests with the following guidance:

- \$1,000 to all requesting entities with specific exceptions
- \$2,500, which is the full requested amount, to the Lauderdale-By-The-Sea Garden Club
- Award full amount to agencies which provide cost-sharing information

Staff reviewed submitted information and found that the Area-wide Council on Aging of Broward County referenced cost-sharing in its application. The following agencies provided some supporting information for their requests:

- Dr. Stanley and Pearl Goodman of Broward County
- First Call for Help (2-1-1 Broward)
- Hillsboro Lighthouse Preservation Society
- South Florida Wildlife Center

If the Commission wishes to approve funding for these agencies in a manner consistent with their previous direction, the FY 2025-2026 allocation for charitable donations would total \$51,269. This amount would include the full requests for the four agencies listed above, which would represent a decrease of \$17,231, or 25.15%, from FY 2024-2025. If the Commission chooses to provide \$1,000 for all requesting agencies with the exceptions of the Garden Club and Council on Aging, the total donation funding would come to \$27,269, which is \$41,231, or 60%, less than FY 2024-2025. The total requested amount for FY 2025-2026 was \$139,269. The total funding of donations in FY 2024-2025 totaled \$68,500.

Commissioner DeNapoli requested clarification of how the amounts were calculated. Finance Director Lang reiterated that the total amount, if all but two agencies are funded at \$1,000, is \$27,269, which includes \$2,500 for the Garden Club, \$10,769 for the Council on Aging, and \$1,000 each for the remaining 14 agencies.

Finance Director Lang explained that the Goodman agency provided information which anticipates serving 15 Lauderdale-By-The-Sea residents, although they did not provide a cost estimate for this service. 2-1-1 Broward included information showing that they responded to approximately 21,000 suicide-related calls, which included two calls from Lauderdale-By-The-Sea in FY 2024-2025. The Hillsboro Lighthouse Preservation Society requested \$3,000, which represents the 6% of their membership which comes from the

Town. The South Florida Wildlife Center anticipates treating approximately 500 animals from Lauderdale-By-The-Sea.

Finance Director Lang concluded that if these four agencies were funded at their full requested amounts in addition to the funding for the Council on Aging and Garden Club, the total charitable donations for FY 2025-2026 would come to \$51,269. The remaining agencies would receive \$1,000 each as previously noted.

Commissioner Graziano advised that he had understood the direction at the September 10 meeting to mean each agency from Lauderdale-By-The-Sea would receive \$1,000 rather than each agency which applied for funds, with the two aforementioned exceptions.

Commissioner Pouloupoulos commented that while he understood that some of the agencies have made previous donation requests and serve residents of the Town, he agreed with the \$1,000 donation across the board with the exceptions of the Garden Club and Council on Aging.

Commissioner Pouloupoulos also expressed concern with the \$10,769 request from the Council on Aging, as this represents a significant disparity between that agency's funding and the others'. It was clarified that the \$10,769 would be a 54% increase from the previous year's funding.

Mayor Malkoon observed that this request is similar to a reimbursement for services provided to Town residents. It was also pointed out that if the Council on Aging cannot show receipt of local funds, they would not be able to receive federal matching funds.

Finance Director Lang advised that donations are one area on which Staff needs direction regarding the final budget. She also recalled that Staff was asked to prepare alternative millage rate scenarios. Those have been provided in the Commissioners' backup materials and include a range of possible rates ranging from 3.9000 to 3.9207. The revenue impacts from these options range from \$10,200 to \$85,600 and are based on information provided by Broward County.

The average taxable value of homes in Lauderdale-By-The-Sea is \$715,530. Based on that information, as well as the different millage rate scenarios, impacts to residents would be between approximately \$2 and \$16.81.

If a line item is budgeted but the full amount is not spent, the remaining money will be moved into unencumbered funds, and the Commission will be asked to provide direction to Staff regarding how they would like to spend those funds.

Commissioner DeNapoli commented that the donation request by the Council on Aging is \$3,769 more than in FY 2024-2025. Mayor Malkoon recalled that the agency's FY 2024-2025 request had been less than their FY 2023-2024 request, as the amount requested varies based on the number of Town residents who need services.

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to pay the Council on Aging \$10,769, the Garden Club \$2,500, and all other agencies \$1,000 for a total of \$27,269. Motion carried 5-0.

Mayor Malkoon stated that he was considering a slight reduction to the proposed millage rate, pointing out that the Town will save significantly on charitable donations, has earned an additional \$500,000 in interest, and saved \$200,000 associated with the design of the public safety complex. He recommended reducing the rate to at least 3.9000, which corresponds to a reduction of \$85,559, or 3.8900, which would mean a reduction of \$122,026.

Mayor Malkoon continued that the Commission should also discuss the enhanced services provided in the Downtown area by the Broward Sheriff's Office (BSO), which costs the Town an additional \$100,000 over the base BSO contract. He recalled that this was intended to be a temporary measure during the height of the COVID-19 pandemic, with the goal of helping local businesses enforce regulations related to the pandemic.

Vice Mayor Strauss advised that the additional \$100,000 had covered the service of two extra BSO Deputies during the COVID-19 era. Captain Christopher Sutter, representing BSO, confirmed this, adding that the two Deputies had remained on patrol Downtown during peak hours of the tourist season for additional security. There has been no history of incidents Downtown since the additional Deputies have been present. The extra BSO presence has been in place from late November through May. A portion of the \$100,000 has also gone toward extra patrols during spring break season.

Commissioner Graziano requested clarification of how much of the additional \$100,000 has been used thus far in FY 2024-2025. Captain Sutter replied that \$84,000 was used in the current fiscal year.

Commissioner Graziano stated that he was in favor of retaining the additional \$100,000 for these enhanced public safety services.

Vice Mayor Strauss observed that the Town can budget for this line item in case they need it, but may choose not to spend it. He recommended budgeting the \$100,000 out of an abundance of caution, pointing out that if it is not used, the money can be returned to the General Fund.

Captain Sutter also clarified that the funds spent in FY 2024-2025 were based on salaries at that time. Salaries are set to increase in FY 2025-2026. The current \$100,000 in the FY 2024-2025 budget also represented an increase from the previous year, when \$80,000 was budgeted. He did not anticipate an increase that would require budgeting more than the proposed \$100,000.

Commissioner Pouloupoulos concurred with Commissioner Graziano and Vice Mayor Strauss, recommending that the Town budget for enhanced public safety even if they eventually choose not to spend this amount.

Commissioner DeNapoli recommended that all proposed changes to the budget be discussed as a whole rather than on an item-by-item basis. Mayor Malkoon explained that he had raised the issue of enhanced public safety spending because the \$100,000 is an extra item; the Town cannot modify BSO's overall \$7 million budget, but has the option of removing this item if they wish.

Mayor Malkoon noted that it is difficult to quantify the effect of the enhanced services, as the service was not implemented in response to crime. Regular Police coverage would remain in place. Captain Sutter added that the Deputy who provides this service walks the Downtown area, engaging with the public and business owners, while other Deputies carry out regular duties. He concluded that he felt the service was extremely beneficial to the Town, suggesting that if the Commission wished to reduce enhanced service, they provide it for three instead of four nights per week.

Mayor Malkoon continued that the budget also includes approximately \$200,000 for events, and asked how many Friday Night Music events are budgeted in the coming year. It was confirmed that the Town will budget for three of these events.

Mayor Malkoon advised that he had prepared a business plan for the Downtown area which could be discussed in greater depth at a later date, possibly in a roundtable setting. He recommended seeking sponsorships to offset the costs of Friday Night Music events,

and suggested that the Commission consider lowering parking fees as a way to support Town businesses in the last quarter of the year. This could be undertaken as a pilot program during the off-season. He was also in favor of reducing the cost of special event parking from \$21 to \$10.

Mayor Malkoon also addressed the line item for the Town Attorney's budget, stating that in FY 2024-2025, the Town allocated \$420,240 for legal services. This amount equals roughly 2.5% of the Town's General Fund, which he felt was high for a municipality with 6,000 residents. Peer municipalities, such as Wilton Manors and Lighthouse Point, typically budget between \$150,000 and \$350,000 for these services.

Mayor Malkoon observed that one reason for the higher expense for legal services may be the contract's structure, as the Town Attorney agreement is not a standard contract with a renewal date but is instead a retainer without an end date. The agreement bills at \$250/hour for all attorneys, plus expenses, with an automatic 3% annual increase each October. When compounded over 10 years, this increase grows at a rate of more than 35%. Other municipalities typically tie increases to the consumer price index (CPI) or require a Commission vote on increases.

While the Town pays for Town Attorney services by the hour, litigation is budgeted separately, with no caps and no requirement for quarterly reporting. Mayor Malkoon pointed out that this means taxpayers fund all the risk. He felt this system could be improved by options such as a blended retainer, a flat fee for routine services, and capped hours for litigation, as well as quarterly reports to reflect what work is being done and how much it costs. He proposed that the automatic 3% increase be replaced by CPI-based adjustments or Commission approval.

Mayor Malkoon continued that before assigning billable work, the Town should make better use of its paid memberships, such as the Broward League of Cities, Florida League of Cities, and risk management providers, all of which offer legal resources, templates, and training. He emphasized that the proposal is based on accountability, fairness, and fiscal responsibility rather than on the quality of representation, and concluded that his intent is to protect taxpayers' dollars by ensuring that legal costs are sustainable for a municipality of the Town's size.

Finance Director Lang clarified that the monthly billing the Town receives from the Town Attorney's Office is fully detailed, and noted that more information can be included in her monthly Finance Report if that is the Commission's wish.

Vice Mayor Strauss pointed out that the Commission had recently approved the 3% contractual increase, and characterized the hourly fee for services as relatively inexpensive in comparison to the fees paid by other Broward municipalities. He added that population is not always relevant to the Town's legal issues, and recommended caution when reconsidering attorneys' fees. He did not take issue with close scrutiny of all expenses and billed hours, and suggested that a blended retainer could be negotiated with the Town Attorney's firm.

Commissioner DeNapoli observed that with changes, attorney-client privilege would need to be taken into consideration when providing the Commissioners with their backup materials in advance of meetings, as the information therein would be available to the public. He added that the rate of \$250/hour did not seem excessive, although the \$420,240 seemed slightly high in comparison to other municipalities. He concluded that more detailed billing information could be blacked out of backup materials if necessary.

Commissioner Graziano clarified that the hourly rate was \$273/hour rather than \$250/hour. He recalled that in FY 2024-2025, he had proposed reducing the Town's legal services line item by \$50,000, recalling that the Town has spent roughly \$300,000 in the current fiscal year. He pointed out, however, that if the Town proceeds with consideration of a proposed public-private partnership (P3), it may incur significant charges as well as issues in which counsel will need to be involved. He suggested reducing the budgeted amount, but was not in favor of drastic cuts or reducing the budgeted amount to equal the current year's expenditures.

Commissioner DeNapoli requested clarification of the difference between the budgeted amount in FY 2024-2025 and the actual amount. Finance Director Lang replied that all billing has not been received for the current fiscal year.

Commissioner DeNapoli continued that with respect to the proposed P3, the Town would receive \$25,000 from the proposing entity, which is included with the intent of securing a financial advisor to analyze the plan.

Commissioner Pouloupoulos also commented that the rate of \$273/hour is very reasonable based on the quality of service provided since his tenure on the Commission began. With respect to billable hours, he was confident that these are accurately recorded. He agreed with previous concerns regarding the review of the proposed P3 as well as other service contracts which will require review and possible negotiation, and concluded that he did not wish to cut corners on this expense.

Mayor Malkoon requested input from Commissioner Pouloupoulos regarding the automatic 3% annual increase. Commissioner Pouloupoulos replied that this is not a large increase, and pointed out that an increase based on CPI would be similar.

Town Attorney Susan Trevarthen recalled that some years ago, there was discussion of a flat fee arrangement for legal services, but this was ultimately rejected by the Town. She confirmed that this can be revisited if that is the Commission's wish. With regard to hourly billing, she pointed out that this method is fully transparent and based on the Town's needs; should the Town require more active legal services, the number of hours would increase and then decrease accordingly following the period of activity.

Town Attorney Trevarthen continued that the 3% annual increase was agreed upon after roughly five years in which inflation was very low, which left rates significantly below market. The 3% was determined as a long-term method to bring rates closer to market rates. She noted that her office was the only contractor in the current fiscal year who has requested only 3%; others have requested increases of between 5% and 20%.

Town Attorney Trevarthen noted that the Town's agreement for legal services is transparent, which is not always the case for other municipalities. She felt her office's proactive involvement was in the long-term best interests of the Town. In addition, some of the work done by her office is cost-recovered, although this recovery is allocated to other Departments.

With respect to the P3, Town Attorney Trevarthen advised that the Town will collect an out-of-pocket amount; however, there is likely to be more activity, and the Town may need additional services. She concluded that the manner in which the Commission wishes to budget for legal services is left to the Commission's discretion.

Finance Director Lang advised that in FY 2022-2023, the Town spent \$280,000 on legal services, followed by \$335,144 in FY 2023-2024. To date in FY 2024-2025, absent some remaining billing, the Town has spent \$290,000.

Finance Director Lang further clarified that all items billed from the Town Attorney's Office are included under legal expenses; for example, if there is a legal expense related to the Fire Department, the billed amount is not coded from the Fire Fund, but is under legal expenses.

Commissioner Graziano stated that he would like to know the other Commissioners' comfort level regarding the budget for legal expenses. Town Attorney Trevarthen

emphasized, however, that the Town has not yet been billed for the month of September in FY 2024-2025, which meant it is premature to draw conclusions based on the bills received thus far.

Finance Director Lang estimated that another \$40,000 to \$45,000 is anticipated to be billed for August and September 2025, which would bring FY 2024-2025 legal expenses to roughly \$335,000, nearly the same as in FY 2023-2024.

Commissioner DeNapoli suggested that if the Commission wished to reduce the budgeted amount for legal expenses, they could lower the budgeted amount from \$420,000 to \$400,000, which he estimated would provide some cushion for FY 2025-2026.

Interim Town Manager Rubach stated that Staff's goal when budgeting is to take a conservative approach; however, he cautioned against lowering the budget to a level that would eventually require Staff to come back before the Commission and request more money for that account. He reiterated that unspent money at the end of the year will go into unencumbered funds. The Town currently has \$3 million in unencumbered funds, some of which will be used toward the Town's Capital Improvement Program (CIP) in FY 2025-2026.

Commissioner DeNapoli suggested that the Commission reconsider its budget for charitable donations as well as legal expenses, pointing out that this would still leave the Town with roughly \$3 million in unencumbered funds. He concluded that he was in favor of reducing the millage rate at least by the same amount as the agreed-upon decrease in charitable donations, which reduced the budget by approximately \$40,000.

Vice Mayor Strauss recalled that the savings from reducing the millage rate to 3.9000 would be approximately \$86,000. He requested clarification of what this would mean in actual savings for the average household. Finance Director Lang replied that this difference would be \$16.81. If the millage rate were reduced to 3.9207, this would reduce the budget by \$10,199.15, lowering ad valorem taxes for the average household by \$2.

Vice Mayor Strauss commented that a reduction to 3.9000 would be primarily symbolic, recalling that in the past, when the Town reduced the millage rate to the rolled back rate, the result was a tax increase after two years. He recalled that at a previous meeting, he had recommended caution due to a forthcoming increase in the homestead exemption. There will also be increases related to public safety expenses.

Vice Mayor Strauss asked if making the proposed adjustment to the millage rate would require significantly more work from Town Staff to modify the budget accordingly. Finance Director Lang confirmed that this would not require significantly more work from Staff, adding that a reduction of \$10,000 from the budget would result from reducing the millage rate by 0.0027, establishing a rate of 3.9073.

Vice Mayor Strauss noted that there are additional projects, such as the proposed beach portal project budgeted at \$775,000, for which funding could be reduced in order to realize greater savings. He pointed out that some expenses, such as manhole covers, are requirements, while others are discretionary. He requested feedback from the other Commissioners regarding whether or not they felt the Town should move the portal project forward while also investing significantly in the El Prado Park renovation in the same year.

Commissioner Poulopoulos asked if there is any particular reason the beach portal project should be done in FY 2025-2026 rather than FY 2026-2027. Interim Town Manager Rubach confirmed that there is no hard reason for this, but recalled that the Town has significant expense increases pending which are related to public safety. He recommended moving any savings from budget cuts into the Emergency Medical Services (EMS) Fund, as this expense is expected to increase substantially. Another alternative would be investing the saved funds.

Commissioner Poulopoulos observed that if the Florida Legislature enacts major changes to the way in which the Town derives revenue, the budget savings discussed today would not be sufficient to offset that change. He was in favor of the proposal to remove the beach portal project due to the magnitude of the expense, and requested more information on that project.

Interim Town Manager Rubach clarified that the proposed project includes the Hibiscus and Datura portals as well as a portion of the design phase which will be carried forward and will use grant money. He recommended removal of the Hibiscus portal component, which could save \$100,000 to \$150,000. The majority of the funding would go toward structural work on the Datura portal.

Commissioner Graziano requested that the Commission return to the discussion of the budget for legal services, as he did not recall consensus being reached on this issue.

Commissioner DeNapoli asked if the funds for the Hibiscus portal would remain in the FY 2025-2026 budget or if it would be removed to substantially reduce the millage rate. He

recalled that there had seemed to be consensus to reduce the legal services budget to \$400,000 as well as for reducing the millage rate by at least the same amount as the decrease in charitable donations. He also noted that in addition to the savings that could be realized through these changes, the Town also has a \$4 million equity line, \$3 million in unencumbered funds, and the Emergency Fund.

Interim Town Manager Rubach advised that the Town had budgeted \$3.6 million toward public safety. He also clarified that with the FY 2025-2026 budget, the \$3 million in unencumbered funds will decrease to zero, as this will be used to fund the CIP.

Commissioner Pouloupoulos asserted that he was in favor of returning any savings to taxpayers.

Interim Town Manager Rubach estimated that removing the Hibiscus portion of the portal project would save approximately \$125,000 to \$150,000. He added that another option is to seek bids for the work on both portals and make a decision once they are received. The Town will have the option to proceed with work on one, both, or neither portal.

Vice Mayor Strauss stated that he would be more comfortable budgeting for the portal project and then possibly postponing that project until FY 2026-2027, reiterating his concerns for the public safety budget and possible changes at the state level. He concluded that he would be in favor of a millage rate reduction to 3.9000.

Mayor Malkoon concurred, stating that he would agree with either proceeding with only the Datura portal or delaying the full project for another year. He also agreed with the proposed millage rate reduction to 3.9000 or 3.8900.

Commissioner Graziano made a motion, seconded by Commissioner DeNapoli, to recommend a millage rate of 3.9000. Motion carried 5-0.

b. RESOLUTION 2025-44 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE ATTACHED FINAL TOWN BUDGET FOR THE 2025/2026 FISCAL YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Lang confirmed that a millage rate of 3.900 would bring in \$85,599.99 less than the original proposed budget. The modified budget will include the following changes:

- Removal of \$41,231 from charitable donation requests, as discussed earlier in the meeting
- Removal of \$20,000 from the Town Attorney's line item for legal expenses
- Removal of \$26,000 from the portal project budget
- Adjustment and transfer of appropriated funds

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

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to allocate \$400,000 to the Town Attorney and counsel litigation fund, to reduce the millage rate equivalent to the reduction in the charitable donations of approximately \$41,000, and then to allocate \$20,000 out of the portal fund immediately, delaying one of the portal projects to a future year. Motion carried 5-0.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 6:40 p.m.

Mayor Edmund Malkoon

ATTEST:

Courtney Easley, Acting Town Clerk

Date



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Wednesday, September 24, 2025
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:58 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Interim Town Manager Ken Rubach, Town Attorney Susan L. Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner St. Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/Assistant to the Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Malkoon requested that Public Comments be heard next on tonight's Agenda, followed by Items 18.a, 13.d, and the lobbyist presentation.

Commissioner Pouloupoulos requested that a discussion of the Town Manager position be added to the Agenda under New Business as Item 13.e.

The following Items were taken out of order on the Agenda.

6. PUBLIC COMMENTS

Mayor Malkoon explained that tonight's general public comment period was being provided as a one-time courtesy by the Commission. This public comment period is not required by Florida law, as it includes address of items not on tonight's meeting Agenda. He added that residents will be heard first, followed by non-residents if time allows. The public comment period will be limited to 30 minutes total, and each speaker will be heard

for up to two minutes. Individuals who do not have a chance to speak may submit their written comments to the City Clerk for the record.

Mayor Malkoon continued that separate public comment periods will be provided for specific Agenda Items. Individuals wishing to speak on those Items may do so during the general public comment period, or may wait until the Items are brought forward on the Agenda. He requested that all present maintain respect and decorum, concluding that public comment periods are conducted in compliance with Florida Statutes.

At this time Mayor Malkoon opened public comment.

Dr. Janet Kowal, resident, stated that most residents were not present to provide input on issues and decisions that will affect the character of the community. She expressed concern that decisions made by the Commission may have unintended consequences for Lauderdale-By-The-Sea.

Freda Lisnow, resident, noted that the Broward County Republican Party rents but does not own its space on Commercial Boulevard. She asked if it was appropriate for a renting business to request a street name change or co-designation.

Linda Thompson Gonzalez, resident, emphasized the importance of unifying communities, and expressed concern that the Commission recently approved a street co-designation without sufficient public notice. She pointed out that the issue was not mentioned in the *Town Topics* newsletter, concluding that the co-designation is divisive to the Town.

Michael Ferrara, resident, also expressed concern with the recent Resolution co-designating Sea Grape Drive as President Donald J. Trump Drive. He was disappointed that the Commission voted in favor of the Resolution despite public opposition stated during the meeting, concluding that the decision gives the impression that community voices were not considered.

Kimberly Bertsch, resident, stated her opposition to the co-designation, and recalled that the majority of individuals who opposed the Resolution at the previous meeting were Town residents. She concluded that the Item was brought forward with little notice, and that the issue of the co-designation was divisive.

Jackie Bonanni Rubino, resident, stated that protests and/or threats against the co-designation would not be effective.

Christopher Loesch, resident, suggested that the Commission repeal their approval of the co-designation Resolution in favor of representation for all. He characterized the proposed signage as divisive and non-representative of many residents.

Gregg Powers, resident, expressed concern with a property which he did not feel was an appropriate facility for the Town. He was concerned with the possibility of crime.

Cristie Furth, resident, advised that the Town is known for its lack of political affiliation and bias, noting that local elections are non-partisan in nature. She recalled that this had changed in 2024 and expressed concern with Commissioners' presence at a Broward County Republican Party event.

Marc Furth, resident, recalled previous Town referenda which addressed height limits, term limits, zoning, and annexation. He asserted that citizens are in the process of preparing to submit a referendum request on the issue of the co-designation and signage.

Missy Miller, resident, advised that she had previously expressed concern for the co-designation of Sea Grape Drive, and stated that the vote taken on September 10, 2025 was passed without proper public notice, as residents and businesses on that street were not informed of the proposal. She requested that the Resolution be rescinded.

Colleen Cianelli, resident, recalled that most of the residents who spoke at the September 10, 2025 meeting were opposed to the co-designation, and felt residents of Sea Grape Drive should have had an opportunity to discuss the Resolution with the Commission. She requested that the co-designation be put to a referendum.

At this time Mayor Malkoon closed public comment on non-Agenda items, suggesting that individuals who did not speak before the Commission may provide written comments which will be part of the meeting's record.

The Commission took a brief recess at this time.

Following the recess, Mayor Malkoon opened public comment on Agenda Items, which he closed upon receiving no input.

18. RESOLUTIONS – PUBLIC COMMENTS

a. RESOLUTION 2025-38 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A REVOCABLE LICENSE AGREEMENT WITH ARUBA BAY, INC. FOR USE OF THE OCEAN PLAZA FOR OUTDOOR DINING; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION, CONFLICTS AND FOR AN EFFECTIVE DATE.

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

Development Services Director Jhanelle Campbell recalled that in November 2022, the Commission approved a policy which allowed Aruba Beach Café to use 800 sq. ft. of the Connie Hoffmann Ocean Plaza for outdoor dining, subject to annual renewal. The agreement has been renewed twice through Resolutions 2023-47 and 2024-28. Aruba Beach Café is now seeking to renew the license agreement to continue use of the Plaza for up to six months or until completion of their new on-site deck. A Site Plan for the new structure has been submitted and approved.

Conditions of use for the 2025 renewal agreement include the following:

- Limiting use to the designated 800 sq. ft. within the knee wall
- Moving the outdoor dining setup when required by the Town
- Maintenance of the Plaza to keep it clean and free of litter or debris
- Compliance with all other terms listed in the license, including payment of required fees

The current agreement is for \$34/sq. ft. Staff recommends approval of Resolution 2025-38.

Commissioner DeNapoli stated his support for the Resolution.

Commissioner Graziano advised that he was also supportive of the Resolution, but requested that the agreement be amended so the business does not have to request approval again in six months. He also asked if the business is confident it will receive necessary state and federal approvals as well as local Site Plan approval within that time frame.

Nectaria Chakas, representing Aruba Beach Café, stated that the business has a permit under review and pending approval by the Florida Department of Environmental

Protection (DEP). As there are comments from DEP which need to be addressed, they are hopeful that the process will conclude in six months, but cannot guarantee that time frame.

Commissioner Graziano reiterated that he did not want the Item to have to come back to the Commission for approval in six months if the business's construction is not complete. He proposed amending the term of the request to one year rather than six months.

Town Attorney Trevarthen suggested that the Resolution's language could be amended to apply to up to one year, as well as a reference to pro-rated payment if the deck is completed earlier than one year.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve for up to one year, pro-rated accordingly, to be billed only for time used until the project is complete. Motion carried 5-0.

13. NEW BUSINESS

d. Reinvestment of Maturing Town Investment

Finance Director Lucila Lang recalled that in 2024, the Town invested in two United States Treasury notes, one of which has matured on July 31, 2025 and the second of which will mature in October 2026. Staff requests direction on how to reinvest these funds.

Alvaro Jiron, Investment Consultant with South State Bank Investment Services (via Zoom), stated that the initial amount invested in the two Treasury notes by the Town was \$2 million. Their current value is \$2,050,543.22, some of which was credited interest from the note which matured on July 31. This amount also includes funds from the Town's insured money market account as well as the Treasury note set to mature in October 2026. Interest paid from the Treasury notes is swept to the money market account.

The Treasury notes were purchased through a brokerage account, which applies a transaction fee to trades. Between the matured funds and cash from interest received, the Town has a total of \$1,050,000 which can be reinvested.

The first option for reinvestment would be to continue with the current procedure, looking for maturities over the next three, six, nine, or more months. Mr. Jiron suggested that the Town may wish to consider a professionally managed portfolio, which would provide for more oversight over the bonds as well as better pricing, access to more bonds, and the

ability to adjust to market conditions. Bonds within the portfolio could be laddered, which would mean one bond would mature each month. The yield would be approximately 3.9%. He recommended this approach to the Town, as it provides for oversight, returns, and convenience.

Mr. Jiron referred the Commissioners to a portfolio overview, including credit quality, yield to maturity, and prices. Each month, the Town would have maturities, which would provide access to cash as well as opportunities for reinvestment. The overview also provided a projected cash flow based on Treasury notes. This portfolio would carry an annual fee of 0.55%, which would include managers' and advisory fees.

There are also shorter-term options for the Town which typically have fees of 10 to 20 basis points. Longer maturities would have larger fees based on transactions.

Commissioner DeNapoli noted that the proposed Treasury ladder estimates first-year yield income of \$77,122, which is roughly 3.8% to 3.9% yield to maturity. Mr. Jiron confirmed that the longest maturity in the ladder is 12 months.

Commissioner DeNapoli continued that with the recent lowering of interest rates by the Federal Reserve, with more lowering of rates expected in future rate cycles, he felt laddering the portfolio to lock in the 3.8% to 3.9% rate was the best choice for the Town. He recommended moving forward on the Treasury ladder with a two-year time frame.

Mr. Jiron explained that the proposed method is a one-year ladder, but noted that the Town may wish to consider longer maturities to take full advantage of the interest rate environment. Finance Director Lang advised that the Treasury note which matured at the end of July 2025 was a one-year note, while the note set to mature in October 2026 was for two years. Both notes were purchased through the same provider.

Finance Director Lang indicated that she was comfortable investing in a two-year ladder if the Town Manager concurred. Interim Town Manager Ken Rubach advised that he did not foresee a need for the funds within the next two years.

Commissioner DeNapoli asked if the proposed reinvestment would produce extra income over the 3.8%-3.9%. Mr. Jiron advised that he would have to review the two-year proposal for comparison. He pointed out that even if the Town chooses a two-year ladder, there would be staggered maturities which provided liquidity on a regular basis.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to accept the proposal, leaving it to the Finance Director's discretion to invest in a two-year duration rather than just one if Staff felt it was appropriate.

Commissioner Pouloupoulos advised that he agreed with this approach, particularly if the Town was not in need of liquidity at the moment. He recommended taking advantage of current interest rates, as they may be reduced later on.

Commissioner Graziano requested clarification that Finance Director Lang has had experience with the institution. Finance Director Lang confirmed that the Town has used South State Bank for the last 12 to 18 months.

Motion carried 5-0.

Commissioner DeNapoli requested information on the interest being earned by the Parking Fund. Finance Director Lang advised that this rate is approximately 3.55%. The Parking Fund includes \$6 million, with \$2 million of that total used toward operations. Commissioner DeNapoli suggested that the Director engage with South State Bank and/or Parametric to ladder the Town's \$3 million Parking Fund investment or invest with the State Board of Administration (SBA).

Town Attorney Trevarthen confirmed that because the Commission has discussed its reinvestment policy, they may provide direction to Town Staff at tonight's meeting. She recalled, however, that in the wake of the 2008 economic crisis, SBA froze local governments' money, which prevented them from operating effectively. While funds were not lost due to the freeze, some municipalities could not pay their staffs.

Interim Town Manager Rubach indicated that he was comfortable proceeding with the proposed investment.

The Commissioners agreed by consensus to direct the Finance Director to proceed with investment of \$3 million from the Parking Fund with SBA or South State Bank, whichever offers the higher interest rate. Finance Director Lang confirmed that she would verify current yields and discuss the issue further with the Interim Town Manager.

Finance Director Lang requested that Mr. Jiron provide the Town with additional information on both one- and two-year ladders.

5. PRESENTATIONS

a. Lobbyist Presentation

Lauren Jackson, representing Ericks Consulting, explained that an early legislative session is planned in 2025, with Committee Weeks planned in October, November, and December 2025 before the next session begins in January 2026. The next session is scheduled to end in March 2026, although it is possible that the session may run over.

The Florida House Select Committee met earlier in the week to discuss property tax reform with input from local governments and other stakeholders; however, no specific proposals were brought forward following this discussion. She anticipated a ballot measure related to property taxes in 2026.

With regard to property insurance, little action was taken during the previous session, although there is ongoing debate regarding whether or not the reforms passed in 2023 have had sufficient time to impact the insurance market. This debate is expected to continue. The House of Representatives has indicated they would like to pursue more insurance reforms, while the Senate and Governor want to allow more time for existing reforms to take effect.

Ms. Jackson continued that the State of Florida appointed a new Chief Financial Officer (CFO) shortly after the recent legislative session. This individual will be on the ballot for the 2026 general election. In addition, the House of Representatives has begun to use its authority to subpoena entities that play a role in holding insurance companies accountable, and they are expected to continue their investigations going into the 2026 session.

Several bills were passed during the 2025 legislative session, some of which may be brought back during the 2026 session. Florida's Live Local Act was expanded. Another bill, which would require local governments to allow accessory dwelling units (ADUs) in single-family residential zoning districts, ultimately died, but has already been filed again in the Florida Senate.

Ms. Jackson briefly addressed recovery residences, also known as "sober homes," noting that a statewide study of these facilities has been completed. A full rewrite of Florida Statutes Chapter 419 has been proposed to address several issues facing local governments, the recovery residence industry, patients, and more. It is hoped that this rewrite will provide more legal tools for use by local governments to address issues.

Ms. Jackson also addressed Senate Bill (SB) 180, which includes an emergency management package to help individuals rebuild following a storm event. She noted that the language of this bill is being broadly interpreted as restricting local land use rules that are unrelated to storm recovery. There may be opportunities to modify this language during the coming legislative session.

Ms. Jackson continued that there is a House Select Committee on Congressional Redistricting, although there is no indication thus far of what these maps may look like.

Commissioner Graziano requested that the Town's advocacy team keep particular watch on issues related to recovery residences and provide Town Staff with information on this topic. He emphasized the importance of ensuring that patients at these residences have access to help without negatively impacting the larger community.

Commissioner Pouloupoulos asked if any more restrictive laws passed by the state with regard to recovery residences would be preempted by federal laws. Ms. Jackson advised that while this is a complex issue, there is case law which justifies the tools expected to be brought forward in an update to SB 419, which addresses these facilities. The statewide study, which is comprehensive, justifies the use of some of the tools which may be available to local governments.

Town Attorney Trevarthen advised that local governments are required to show, under case law, that recovery residences can subvert the entire community zoning scheme by clusters of uses. She cited the example of Delray Beach, in which a single street with 40 homes was occupied by 30 sober homes. That city produced a study which showed the impact of this cluster on residential zoning. One requirement of SB 419 is that local governments enact Ordinances to establish a process for the review of certified recovery residences prior to January 2026.

Town Attorney Trevarthen concluded that she would bring an update on SB 180 to the next Commission meeting, noting that a challenge to this law has been filed.

Commissioner DeNapoli requested additional information regarding the Ordinance required by SB 419. Town Attorney Trevarthen explained that recovery residences have protected status under federal law, which means the Town is limited in any actions it may take. Case law requires that municipalities show providers are taking actions that are not therapeutically necessary, or demonstrate that the presence of these residences severely harms the residential zoning schemes. The required Ordinance is intended to serve as recognition of federal law in addition to providing for a time frame for approval processes.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Interim Town Manager Rubach reported that a Celebration of Life for Assistant to the Public Works Director Tiana Ganswith is scheduled for Friday, September 26, 2025, followed by funeral services. He requested permission to close Town offices at 3 p.m. so Town Staff may attend. The Commission agreed by unanimous consensus.

The fiscal year (FY) 2024-2025 paving project has been completed, including paving the length of Terra Mar Drive as well as installing a new catch basin in an area prone to chronic flooding.

Interim Town Manager Rubach thanked Town Staff and Broward Sheriff's Office (BSO) personnel for attending the September 13, 2025 opening of the new playground at Friedt Family Park. He encouraged residents and neighbors to take advantage of this newly improved space.

The Seaside Players will present *Artifice*, a play written by Anne Finnegan, in Jarvis Hall beginning on October 3, 2025. The show will be performed on Fridays at 7 p.m., Saturdays at 2 p.m. and 7 p.m., and Sundays at 2 p.m. through October 12. Attendance is free due to a grant from Broward County's Cultural Division.

The Town received an unsolicited public-private partnership (P3) proposal on September 17, 2025. Town Staff and the Town Attorney's Office have provided preliminary review to ensure legal sufficiency. This proposal will be discussed in greater depth at the October 14 Commission meeting.

Interim Town Manager Rubach asked if the Commission wished to designate a liaison for the P3 process. The Commissioners agreed by consensus to appoint Commissioner DeNapoli as liaison.

Interim Town Manager Rubach advised that while the Commission discussed the possibility of a P3 at a recent workshop, Staff does not currently have the in-house

expertise to examine the proposal, and recommends bringing in a financial advisor for this purpose. This advisor would have sufficient expertise to review the Town's policy and ensure that proposals are consistent with industry standards.

Town Attorney Trevarthen further clarified that while her office will provide an overview to ensure legality, and while the liaison will provide the Commission's point of view, a financial advisor would determine the quality of the proposal offered to the community. Interim Town Manager Rubach added that the proposing entity has provided the Town with a check toward the services of a financial advisor.

Town Attorney Trevarthen explained that the Town has the option of soliciting additional proposals, to which the submitting entity had no objection. There was consensus to proceed with this approach.

Interim Town Manager Rubach stated that he would bring the costs associated with a financial advisor back to the next Commission meeting, along with a recommendation for an advisor. These costs are expected to be within the anticipated limit of \$25,000. Town Attorney Trevarthen recommended selecting a financial advisor as soon as possible so they can provide advice on any and all proposals received. The deposit provided by the submitting entity is intended to be used toward all advisory expenses associated with the P3 process, not only their own submittal.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen recommended that the Commissioners select a date for their remaining two hours' ethics training by the end of calendar year 2025. It was also noted that only one Commission meeting is currently scheduled for the month of November to avoid conflict with the Veterans Day and Thanksgiving holidays. That meeting is scheduled for November 18, 2025. It was determined that the Town Attorney would reach out individually to the Commissioners to discuss the training session.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

a. Special Event Application: Wild Berry Celebration 11.06.25

Commissioner Poulopoulos made a motion, seconded by Commissioner DeNapoli, to approve. Motion carried 5-0.

12. OLD BUSINESS

a. Conservation Garden Update

Interim Town Manager Rubach recalled that this Item was first discussed in 2024, when the Commission authorized the beginning of the design process. An initial design package was completed in the first quarter of 2025. Staff provided some modifications to the plan, which was sent out to bid on June 9, 2025. As the Town did not receive any bids by the deadline, Staff sought pricing from local vendors so they would have a clearer idea of what the project would involve.

Interim Town Manager Rubach reviewed the following cost estimates:

- Landscaping: \$37,968
- Electrical: \$44,667.75
- Hardscaping/installation of pavers: \$11,940
- Contingency: 15%, or \$14,000
- Total: \$108,762.11

The project is included in the Capital Improvement Plan (CIP) with a budget of \$100,000. At present, \$88,893 remains for this line item. He requested Commission consensus on what they would like the project to include, noting that if the costs exceed his spending authority, Resolutions will be drafted.

Ann Marchetti, representing the Lauderdale-By-The-Sea Garden Club, advised that 2025 is the Garden Club's 75th anniversary. The Garden Club's focus is to promote community education and communication related to civic and beautification projects. She recalled that the Club had planned a number of projects with the \$2,500 charitable donation awarded them in the FY 2025-2026 budget, including:

- Garden planting at the Visitor Center
- Orchid installation
- Arbor Day planting with tree identification plaques
- Website to publicize and expand gardening in the Town

Ms. Marchetti noted that the proposed garden at the Visitor Center will no longer be necessary, and suggested that the Garden Club assist the Conservation Garden project

with signage. They are also interested in assisting with the development of a pollinator garden in the future.

Commissioner Poulopoulos asked if the costs of paving covered materials as well as installation. Interim Town Manager Rubach explained that Staff planned to use the same pavers as the Downtown area.

Commissioner Graziano requested additional information on lighting. Interim Town Manager Rubach replied that this would be accent lighting for the planted area, which would require the installation of lines and conduits.

Commissioner Poulopoulos noted that roughly \$100,000 was previously budgeted for the project, with approximately \$11,100 spent thus far. Interim Town Manager Rubach confirmed that \$88,000 remains, which can be extrapolated to suggest the project will be \$20,000 over budget.

Mayor Malkoon recalled that the intent of the Conservation Garden was to enhance the Town in remembrance of its 75th anniversary. He confirmed that he was comfortable with the costs of the three components cited earlier.

Commissioner Poulopoulos requested clarification of the primary landscaping that would be provided, suggesting that the Garden Club may be able to assist with this aspect. Interim Town Manager Rubach advised that the site would need a significant amount of sod and plants.

Commissioner DeNapoli asked if there is the possibility of negotiation regarding the electrical component. Interim Town Manager Rubach replied that the electrical expenses will be a set cost based on the Town's contract with the provider, although some value engineering is possible to determine whether or not all the proposed lights are needed. He requested Commission direction regarding how to proceed.

Vice Mayor Strauss asked if appropriate plants are taken into consideration. Interim Town Manager Rubach replied that Staff plans to select plants that are less attractive to iguanas, but acknowledged that this can be difficult. The project proposes a significant number of trees, which could be reduced to realize savings.

Commissioner Graziano commented that he would like to leave the project as is and allow the Interim Town Manager to further negotiate prices to determine whether they can be lowered.

Interim Town Manager recommended that the Commission instruct him to remain within the budget and work with the landscaping and electrical providers to identify any additional savings.

Commissioner DeNapoli spoke in support of the Conservation Garden and its role in celebrating the Town's history.

Interim Town Manager Rubach concluded that this Item will be brought back to the Commission by the October 28, 2025 meeting.

13. NEW BUSINESS

a. Discussion on Future Roundtable Topics and Format

Mayor Malkoon reviewed the proposed roundtable format included in the Commissioners' backup materials, suggesting a one-hour format to be scheduled on a quarterly basis. Possible topics included:

- Q1: community and civic life
- Q2: public safety and resilience
- Q3: economic and business development
- Q4: environment and future planning

Commissioner Pouloupoulos stated that he was supportive of the proposal, although he was not certain about the chronological order of the topics. He emphasized the need to narrow the meetings' scope to very specific agendas. Commissioner DeNapoli agreed with this as well.

Commissioner Graziano added that he wished to ensure the Commissioners have as much information as possible on the topics to be discussed in advance of the meetings.

Interim Town Manager Rubach advised that Staff anticipates receiving possible proposals from Fire/Emergency Management Services (EMS) providers by the beginning of November 2025.

There was Commission consensus to proceed with the proposed format.

b. Veterans Day Celebration Chairperson

Events and Marketing Manager Katie Anderson advised that the Town's Veterans Day celebration is scheduled annually on November 11. This is one of two annual events assisted by a committee which is chaired by a member of the Town Commission. Vice Mayor Strauss served as Commission representative in 2024.

The Commissioners determined by unanimous consensus that Vice Mayor Strauss would serve as Veterans Day Chair again in 2025.

c. Hardship Parking Permit Applications

Interim Town Manager Rubach explained that this is an annual process due to the limited parking spaces available at hotels and apartment buildings. The cost of an annual hardship permit is \$324. In 2025, hotels and apartment buildings are requesting 37 hardship permit applications, which allows spaces to be made available for their use on a first come, first served basis.

Commissioner Poulopoulos made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.

e. Discussion of the Town Manager Position

Commissioner Poulopoulos stated that he felt the Commission should move forward with the search for a permanent Town Manager, as there are multiple items facing the Town in the next few months. He was not certain the position should go out to bid, as that process could be very expensive and as the Interim Town Manager is qualified for the permanent position. He requested feedback from the Commission on the possibility of negotiating the Town Manager contract, concluding that he would be willing to serve as Commission liaison during the negotiation process.

Mayor Malkoon advised that while he had intended to allow a trial period for the Interim Town Manager, he agreed that the Interim Town Manager has a great deal of valuable knowledge and would not require a learning curve. He also noted that Town Staff is currently understaffed in key positions, which means the Town Manager is somewhat lacking in support. He agreed with the proposal to begin discussing a contract. Commissioner DeNapoli agreed as well.

Vice Mayor Strauss stated that while he did not take issue with the proposal, there are certain educational and certification requirements for the Town Manager position. While these have been bypassed in the past, these requirements have been raised when there

have been past issues with Town Managers. He recommended taking this into consideration if the Commission wishes to bypass these requirements once more.

Commissioner Poulopoulos recalled that the formal processes used to review and select potential Town Manager candidates in the past have not always yielded the best outcomes, and emphasized the importance of experience and institutional knowledge for this position.

Vice Mayor Strauss explained that his only concern was that the Commission may be following the same process they undertook with the previous Town Manager for many of the same reasons. He advised that he is also confident in the Interim Town Manager's ability to fill the permanent position.

Commissioner DeNapoli requested additional information regarding certification for Town Manager positions. Interim Town Manager Rubach advised that the International City/County Management Association (ICMA) provides the preferred form of certification based on years of service in various positions. He estimated that only a very small number of the managers of Florida municipalities have achieved this certification.

Town Attorney Trevarthen added that the Town's Charter also addresses the certification and standards for the Town Manager position, noting that this is ultimately left to the Commission's discretion.

Commissioner Graziano expressed concern that the Commission's decision to proceed without inviting other applications could be questioned in the future. He suggested allowing the submittal of other applications, which Commissioner Poulopoulos could review as he moves forward with the negotiation process. He also emphasized his confidence in the Interim Town Manager's institutional knowledge.

Town Attorney Trevarthen clarified that the Commission liaison will not be empowered to make decisions on behalf of the Commission, but may only work with Town Staff on the negotiation process. The Commission will be the ultimate authority which makes decisions.

The Commissioners agreed by unanimous consensus to have Commissioner Poulopoulos proceed as liaison during Town Manager contract negotiations.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano reported that he recently met with representatives Florida Power and Light (FPL) once more to discuss the possibility of including the Town in its Storm Secure Underground Program (SSUP). At present, the Town is roughly 20 years away from reaching the top of the list for this program, which he found unacceptable.

Commissioner Graziano continued that he has heard resident complaints regarding the Town's bus turnaround area. Interim Town Manager Rubach advised that there is no bus route that includes the turnaround area, and twice in the past year, drivers in training have taken wrong turns that led them to that portion of Town property. There are no bus stops on either El Mar Drive or on Commercial Boulevard east of A1A.

Commissioner Graziano also commended the full Town Staff on their work toward the FY 2025-2026 budget.

Commissioner Pouloupoulos emphasized the importance of civility in any communications with the Commission, and asserted that the co-designation of Sea Grape Drive is a non-partisan issue.

Commissioner DeNapoli also addressed comments related to the co-designation, stating that a small group of protesters are creating partisan division in the Town. He added that appropriate public notice was provided for the Resolution in question and most residents were in favor of the proposal. He continued that Florida law does not prohibit elected officials who do not declare party affiliation on the ballot from being a member of a political party or attending party events.

Commissioner DeNapoli also refuted the suggestion that he planned to run for higher office in the future and expressed concern with the accuracy of many statements made during public comment and submitted via email. He emphasized his pro-business position and contributions to the ongoing accomplishments of the current Commission, as well as the necessity of respect.

Vice Mayor Strauss wished all present a happy Rosh Hashanah and also emphasized the importance of civility in public communications and discussion.

Mayor Malkoon noted that the Commission is not required to allow public comments on non-agenda items, reiterating that tonight's additional public comment period was provided as a one-time courtesy.

Mayor Malkoon continued that he recently attended the ribbon-cutting ceremony the new Friedt Park playground as well as a Florida League of Mayors event in the city of Weston and a community tribute reflecting shared values. He also thanked Staff and the Commission for their work on the budget and encouraged residents to attend the upcoming Seaside Players performances.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- b. RESOLUTION 2025-45 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2024/2025 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2024/2025 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.**

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

Finance Director Lang explained that under Florida Statutes, the Town may amend its budget at any time during the fiscal year or within 60 days following the close of that fiscal year. Tonight's amendment will formally recognize the following adjustments:

- Termination payout for the former Town Manager
- Additional revenues received from multiple sources
- Transfer of interest income from the General Fund to the Fire Fund
- Reallocation of personnel expenses for the Code Compliance team

Staff requests approval of Resolution 2025-45 to incorporate these adjustments into the FY 2024-2025 budget.

Commissioner DeNapoli made a motion, seconded by Commissioner Poulopoulos, to approve. Motion carried 5-0.

c. RESOLUTION 2025-46 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SELECTING GRAU & ASSOCIATES FOR AUDITING AND FINANCIAL ANALYSIS SERVICES PURSUANT TO REQUEST FOR PROPOSAL (RFP) NO. 2025-06-01; AUTHORIZING THE INTERIM TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GRAU & ASSOCIATES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Finance Director Lang advised that this Item selects an audit firm to conduct the Town's financial audits for FY 2024-2025 and the subsequent four fiscal years. The Town's prior agreement with Grau & Associates expired on July 31, 2025. The Town issued an RFP in July and Commissioner Graziano was appointed as chair of the Auditor Selection Committee. The Committee evaluated the four proposals received, ranked the firms based on their qualifications, and recommended the engagement of Grau & Associates.

As required by Florida Statutes, when compensation is included as an evaluation factor, the Commission must either select the highest-ranked qualified firm or document their reasons for not doing so.

Staff recommends selection of Grau & Associates and authorization of the Interim Town Manager and Town Attorney to draft an agreement for execution of that contract.

Commissioner Graziano thanked Staff and the members of the Auditor Selection Committee for their assistance and participation.

Commissioner DeNapoli noted that it can be useful to change auditors from time to time in order to invite a new perspective and ensure independence and best practices. He concluded that he supported the Committee's rankings.

Commissioner Graziano made a motion, seconded by Commissioner DeNapoli, to approve. Motion carried 5-0.

Finance Director Lang concluded that the Town Attorney and Interim Town Manager will draft the agreement with the auditing firm.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:56 p.m.

Mayor Edmund Malkoon

ATTEST:

Courtney Easley, Acting Town Clerk

Date



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Consideration of “Similar Use” Determination: Nail Salons in the B-1 Zoning District at 222 E Commercial Blvd

Explanation:

Background

Staff has received one pending application for a nail salon. All specifications of the proposed business are attached to this report for reference.

Staff is seeking direction to the Town Manager, pursuant to Town Code Sec. 30-271(a)(1)(yyy) (**Exhibit 1**), on whether nail salons should be determined similar to listed personal service stores (e.g., hair salons and barber shops) and therefore authorized in the B-1 District. The B-1 (Business) Zoning District lists “Hair Salons and Barber Shops” as permitted personal service uses. Nail salons are not explicitly listed. Under Sec. 30-271(a)(1)(yyy), unlisted uses may only be authorized if found similar to a listed use after consultation with the Town Commission. Without such a determination, an amendment to the Code would be required to allow nail salons in the B-1 zoning District.

Staff has reviewed the operational and regulatory characteristics of nail salons compared to hair salons and barber shops and finds them to be closely aligned:

- **Shared Industry Category:** All three are personal grooming and cosmetology businesses offering appearance-related services by licensed professionals.
- **Regulatory Parallels:** Nail technicians, cosmetologists, and barbers are all licensed and regulated by the Florida Department of Business & Professional Regulation under comparable sanitation and health standards.
- **Regional Precedent:** Many Florida municipalities including Fort Lauderdale, Wilton Manors, and Pompano Beach allow nail salons recognizing them as similar is consistent

with accepted planning practice.

Health and Safety Condition:

While nail salons use solvents and acrylic products that can emit fumes, these impacts are readily mitigated. Staff recommends conditioning any similar-use authorization on the provision of adequate mechanical ventilation in compliance with the Florida Building Code and OSHA recommendations to ensure a safe environment for employees, customers, and adjacent businesses.

Recommendation:

Staff recommends that the Town Commission find nail salons to be similar to hair salons and barber shops under Sec. 30-271(a)(1)(yyy), authorize their inclusion as a permitted similar use in the B-1 District, and direct the Town Manager to report this finding in a subsequent Town Manager's report.

Exhibits:

1. VAR Salons Town Council Submission
2. VAR Salons Business Tax Receipts Application
3. VAR Salons Articles of Incorporation
4. VAR Salons Certificate of Liability Insurance
5. VAR Salons Floor Plan
6. VAR Salons waste management application
7. VAR Salons Waste Management Plan

VAR SALONS INC.

DBA: Laced With Charm Nail Boutique

222 E Commercial Blvd, Suite 100–101

Lauderdale-By-The-Sea, FL 33308

Phone: (954) 361-3972

Email: Fashionista@lacedwithcharm.com

Website: www.lacedwithcharm.com

Date: September 23, 2025

To: City of Lauderdale-By-The-Sea Town Council

RE: Business Operations and Compliance Information – VAR SALONS INC.

A. Business Operations

1. Business Name and Ownership

Legal Business Name: VAR SALONS INC.

DBA: Laced With Charm Nail Boutique

Owner & Primary Contact: Vanessa Fuentes

Phone: (954) 361-3972

Email: Fashionista@lacedwithcharm.com

2. Nail and Beauty Services

VAR SALONS INC. offers the following licensed services:

- Manicure and Pedicure Services
- Nail Extensions & Enhancements
- Skincare and Waxing Services
- Retail Product Sales

3. Hours of Operation

Open 7 days a week, from 8:00 AM to 8:00 PM

4. Number of Employees/Technicians

- 2 full-time licensed technicians
- 2 part-time technicians or support staff

5. Appointment Method

Hybrid model: walk-ins and scheduled appointments via phone, website, or booking platform.

B. Facility and Site Details

6. Floor Plan and Square Footage

Approximately 1,600 sq ft. Inherited layout includes: 6 manicure tables, 6 pedicure chairs, reception desk, retail display, waxing/facial room, shower area, break room, laundry closet, and 2 restrooms.

Attached: Floor plan (inherited).

7. Parking Availability

12–15 shared surface parking spaces in plaza. Adequate for appointment-based model.

8. Waste Management

- Chemical containers discarded only when empty, dried, and sealed (no hazardous collection needed)
- No sharp items discarded; all tools disinfected and reusable
- Single-use items disposed after each service
- Laundry done daily
- Trash removed by plaza's contractor

C. Health, Safety, and Compliance

9. Ventilation Plan

System includes in-line extractor fans ducted to exterior vents. Not AC returns—true powered extractors. In addition to:

- Fresh air intake through HVAC
- HEPA + charcoal air purifiers
- Essential oil diffusers
- Monthly servicing and filter replacement
- Staff training on ventilation and odor control

10. Chemical Use and Storage

Chemicals: Acetone, alcohol, monomers, gels, disinfectants. Stored in ventilated, locked, labeled cabinets. Staff trained. MSDS on site.

11. Sanitation Protocols

Tools disinfected with EPA solutions. Pedicure chairs sanitized. Disposable items discarded. Linens washed daily.

D. Community and Land-Use Considerations

12. Odor Mitigation

- Low-odor monomers and gels
- Charcoal air purifiers
- Scent diffusers
- Monthly HVAC maintenance
- Sealed chemical containers

Sincerely,

Vanessa Fuentes
Owner, VAR SALONS INC.
(954) 361-3972
Fashionista@lacedwithcharm.com

BUSINESS TAX RECEIPT APPLICATION

DATE: 9-16-2025 BUSINESS OFFICE TELEPHONE: 954-290-6211

DATE BUSINESS WILL OPEN: 10-15-2025 AREA OF BUSINESS IN SQ. FT.: 1,624 sq f

BUSINESS NAME: Laced With Charm

CORPORATE NAME: VAR Salons, Inc.

BUSINESS ADDRESS: 222 Commercial Blvd Ste 101 Lauderdale by the Sea FL 33308

BUSINESS EMERGENCY PHONE: 954-290-6211

NAME OF BUSINESS OWNER: Vanessa E. Fuentes DATE OF BIRTH: 03-29-1982

BUSINESS OWNER'S MAILING ADDRESS: 222 Commercial Blvd STE 101 LBTS, FL 33308

BUSINESS OWNER'S EMAIL ADDRESS: lilv329@aol.com

BUSINESS OWNER'S PHONE NUMBER: 954-290-6211

CONTACT PERSON: Vanessa E. Fuentes

PHONE NUMBER OF CONTACT PERSON: 954-290-6211

ADDRESS OF CONTACT PERSON: 222 Commercial Blvd STE 101 LBTS, FL 33308

EMAIL ADDRESS OF CONTACT PERSON: lilv329@aol.com

PROPERTY OWNER'S NAME: ACS 218 LLC

PROPERTY OWNER'S ADDRESS: 820 NE 5th Ter Fort Lauderdale FL 33304

PROPERTY OWNER'S PHONE NUMBER: 754-423-7718

PROPERTY OWNER'S EMAIL: _____

SOCIAL SECURITY # OR FEDERAL IDENTIFICATION # (Required by Town Ordinance)

EIN Number: 39-3375282

TYPE OF PRODUCTS/SERVICE/BUSINESS OFFERED (In enough detail to enable the Town to determine the proper license type):

Nail Salon , Cosmetology Salon License
Cosmo 6

MERCHANT RETAIL (Average daily dollar value of inventory): _____ # OF EMPLOYEES: _____

RESAURANT/BAR (seating capacity) INDOOR: N/A OUTDOOR: _____

TAKE OUT: _____ DELIVERY: _____ LIVE: _____

ENTERTAINMENT: N/A VIDEO GAMES#: _____

VENDING MACHINES#: _____ ATM: _____

OTHER: _____

STATE ALCOHOLIC BEVERAGE TYPE AND NUMBER: _____

I HEREBY DECLARE that all information provided in this application is true and correct and, further, I understand that providing false or misleading information on this application may result in the denial or revocation of any license or permit issued by the Town of Lauderdale- By-The-Sea which was based upon information provided in this application.

BUSINESS OWNER/APPLICANT SIGNATURE: _____

PRINT NAME: Vanessa E. Fuentes

THE ABOVE PERSON IS ✓ KNOWN PERSONALLY TO ME _____ OR PRODUCED AS
IDENTIFICATION SWORN TO AND SUBSCRIBED before me by means of _____ PHYSICAL PRESENCE or _____
_____ ONLINE NOTARIZATION,

THIS 17 DAY OF September 2025

Zaida P. Masis

NOTARY PUBLIC



Zaida P Masis
Comm.: HH 254292
Expires: April 18, 2026
Notary Public - State of Florida

Need help? Not sure about something?

Please contact us at (954) 640-4120 or BTR@lbts-fl.gov. We are happy to help!



4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308

(954) 640-4120

BTR@lbts-fl.gov

M-F 8:30 AM-4:30 PM

Electronic Articles of Incorporation For

**P25000041142
FILED
July 15, 2025
Sec. Of State
grkersey**

VAR SALONS INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

VAR SALONS INC.

Article II

The principal place of business address:

8205 COMMERCE WAY
120
MIAMI LAKES, FL. US 33016

The mailing address of the corporation is:

8205 COMMERCE WAY
120
MIAMI LAKES, FL. US 33016

Article III

The purpose for which this corporation is organized is:

ANY AND ALL LAWFUL BUSINESS.

Article IV

The number of shares the corporation is authorized to issue is:

1000

Article V

The name and Florida street address of the registered agent is:

VANESSA FUENTES
5413 SKYLINE BLVD
CAPE CORAL, FL. 33914

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: VANESSA FUENTES

Article VI

The name and address of the incorporator is:

VANESSA ELIZABETH FUENTES
5413 SKYLINE BLVD
CAPE CORAL FL 33914

Electronic Signature of Incorporator: VANESSA FUENTES

I am the incorporator submitting these Articles of Incorporation and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of this corporation and every year thereafter to maintain "active" status.

Article VII

The effective date for this corporation shall be:

07/15/2025



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/18/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Emperor Insurance 12928 SW 133 CT Suite A Miami FL 33186		CONTACT NAME: EDWARD DOPAZO PHONE (A/C, No, Ext): (305) 253-5343 FAX (A/C, No): (305) 253-6169 E-MAIL ADDRESS: edopazo@emperorinsurance.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: WESTCHESTER SURPLUS LINES INS CO	
		NAIC # 10172	
INSURED Laced With Charm Inc 17911 SW 66th Pl Dunnellon FL 34432-9533		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		2AA428510	04/14/2025	04/14/2026	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000						
	MED EXP (Any one person) \$ 5,000						
	PERSONAL & ADV INJURY \$ 1,000,000						
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 1,000,000
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

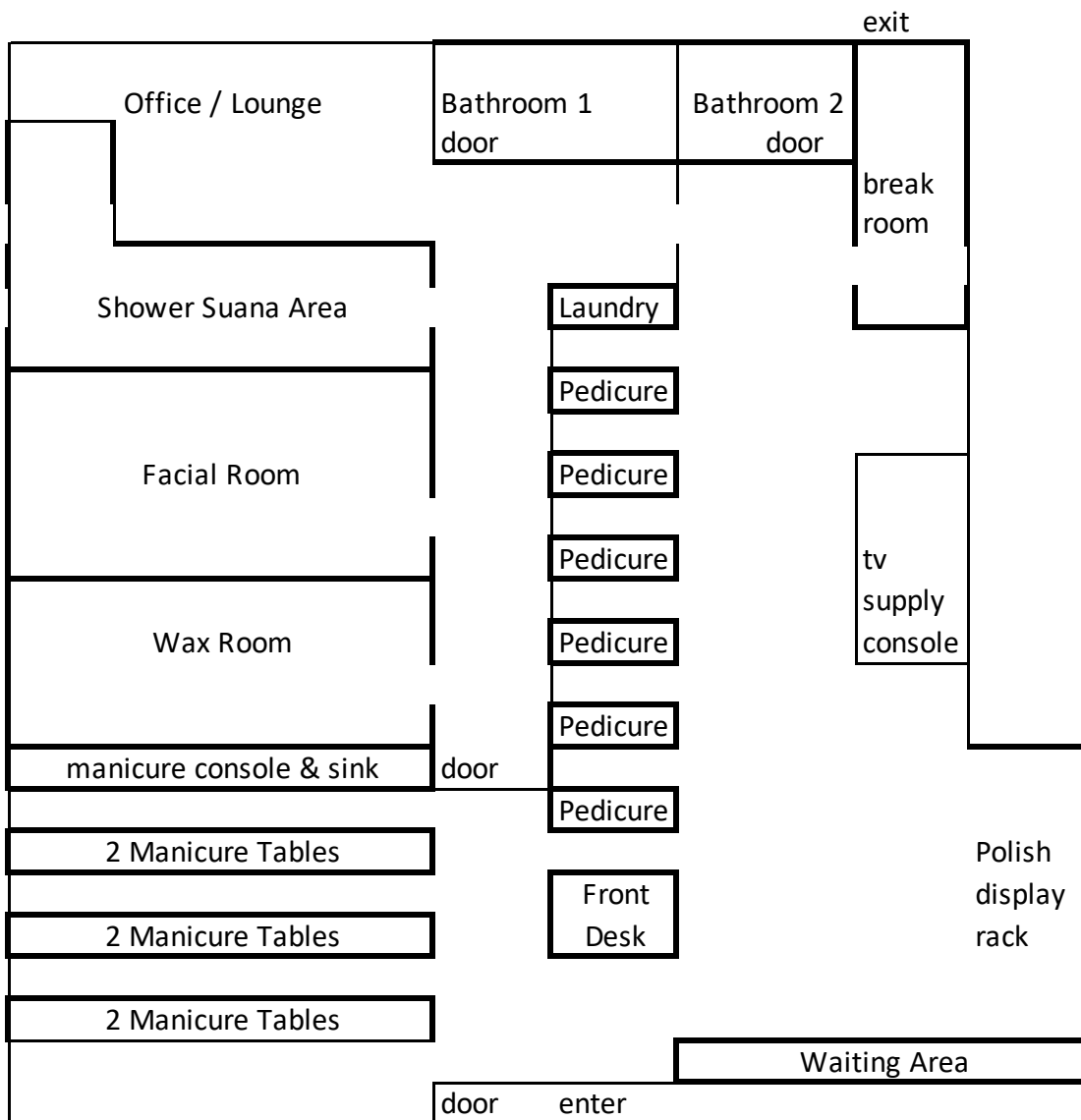
Nail beauty salon

The Certificate holder is listed as additional insured under the General Liability Policy when required by written contract subject to policy terms, conditions and exclusions.

CERTIFICATE HOLDER**CANCELLATION**

ACS 218 LLC 820 NE 5th Terrace Fort Lauderdale FL 33304	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

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VAR SALONS
NOT TO SCALE
APPROX 1,600 SQ FEET



Town of Lauderdale by the Sea

New Resident Form

Resident Name: VAR Salons Inc dba Laced with Charm

Resident Address: 222 E Commercial Blvd #101 Lauderdale by the Sea FL 33308

Billing Address: 222 E Commercial BLVD #101 Lauderdale by the Sea FL 33308

Phone Number: 954-290-6211

Email: lilv329@aol.com

Carts Onsite: YES or **NO**

Delivery Date: 10-1-2025

VAR SALONS INC.

Chemical Waste Management Plan

Facility Type: Nail Salon Only (Manicures & Pedicures)

Location: 222 E Commercial Blvd, Suite 100-101

City: Lauderdale-by-the-Sea, FL

Date: September 23, 2025

1. Chemical Inventory Overview

VAR Salons performs only nail services and does not use or store any of the following:

- No needles, syringes, lancets
- No IV bags, tubing, or injectables
- No microblading or tattoo ink
- No medical waste or biohazardous materials

We strictly operate with standard nail products:

- Nail polish (gel and regular)
- Base coats, top coats
- Nail glue (cyanoacrylate)
- Acetone and non-acetone removers
- Acrylic powders and monomers
- Isopropyl alcohol and surface disinfectants

2. Hazard Identification

Chemical Type	Risk
Acetone	Flammable, irritant
Alcohol	Flammable
Acrylic Monomer	Flammable, strong odor
Nail Glue	Flammable, bonds skin

3. Chemical Waste Disposal Policy

Salon Policy on Waste Handling:

- No flammable chemical products will ever be discarded with contents remaining.
- All bottles, jars, or containers — including acetone, monomer, polish, glue, and similar items — must be fully emptied, used to completion, and dried out before disposal.
- Only empty, dry containers may be discarded in regular salon trash.

Resulting Impact:

- Because no hazardous chemical liquids are ever discarded, hazardous waste pickup is not necessary.
- This aligns with the EPA and Florida DEP standards for non-hazardous or conditionally exempt small quantity generators (CESQG).
- All procedures are reviewed regularly with staff for compliance.

4. Waste Storage

- All product waste is stored safely in a designated chemical cabinet.
- Waste containers are clearly labeled, kept sealed, and located away from electrical or heat sources.
- Weekly checks are performed for leaks or improper storage.

5. Employee Training

- All team members are trained on:
 - Safe chemical handling
 - Product storage and labeling
 - Fire prevention
 - Spill response
- Protective gloves and masks are provided as needed.
- SDS sheets are accessible on-site at all times.

6. Emergency Spill / Fire Plan

- Evacuate the area if needed.
- Use provided spill kits or extinguishers (only if safe).
- Call 911 immediately if there's a major chemical event.
- Log all incidents with salon management.

7. Compliance Confirmation

This plan is in compliance with:

- Florida Department of Business and Professional Regulation (DBPR)
 - Florida Department of Environmental Protection (DEP)
 - OSHA/EPA guidelines for non-medical personal care facilities
 - Local fire safety and city/county environmental waste codes
- No medical or biohazard waste is created at this facility.



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentations

Agenda Section: NEW BUSINESS

Subject Title: Discussion on Code Amendments to Support Redevelopment

Explanation:

The Town's current land development regulations include two provisions that have unintentionally constrained redevelopment opportunities in areas where greater flexibility could be considered:

1. Section 30-271(B-1 Mixed Use) – the requirement that eligible B-1 parcels be within 250 feet of Commercial Boulevard.
2. Section 30-271 (B-1 Mixed Use) — limits the residential floor area of a mixed-use development to no more than 50 percent of the gross floor area of the building.
3. Section 30-242 (RM-25 District) – the limitation that applies only to lots “west of or fronting on Bougainvillea Drive that existed as of September 13, 2000.”

Mixed-Use Development

The Town's current Code permits mixed-use development on B-1 zoned parcels with a commercial land use designation under the Broward County Land Use Plan, but only when those parcels are located within 250 feet of Commercial Boulevard (**Exhibit 1**). This 250-foot distance requirement was added in 2017 through Ordinance 2017-03 (**Exhibit 2**), whereas previously mixed-use development was limited only to properties fronting Commercial Boulevard (**Exhibit 3**). While the intent was to focus mixed-use activity along the Commercial Boulevard corridor, in practice it has created inconsistencies and unnecessary barriers that do not align with the established pattern of development.

A few parcels just outside the 250-foot line function as part of the Town's business district. They share the same access, parking, walkways, and commercial activity as nearby

properties, so excluding them would break up the district's continuity. The parcels already support and enhance the Town's business district by providing commercial uses, shared parking, and pedestrian connections that attract customers and activity to the area. Their businesses, layout, and access patterns complement nearby properties within the district. Because they function as an active part of the same commercial environment, they should be considered eligible for mixed-use redevelopment.

In addition, many of the affected parcels directly abut existing multifamily residential developments (**Image 1**). Allowing mixed-use development on these parcels would create an appropriate land use transition between the commercial core and adjacent residential neighborhoods. This approach is consistent with contemporary planning principles, which favor gradual transitions and complementary uses rather than abrupt changes between intense commercial activity and low-density housing.



Image 1- B-1 South of Commercial Blvd

Maintaining the 250-foot rule also creates arbitrary distinctions. The current measurement does not follow parcel boundaries, street grids, or natural neighborhood edges. Instead, it slices through the business district without regard for actual land use patterns. As a result, nearly identical properties can be treated differently based solely on a few feet of airline distance.

The Town's existing safeguards already provide robust oversight for mixed-use projects. All projects must comply with flexibility unit allocation under Section 30-100 and obtain conditional use approval. These requirements ensure that any mixed-use development regardless of its exact distance from Commercial Boulevard will be thoroughly vetted for compliance with the

Town code. Removing the 250-foot requirement would unify the B-1 Business District and better reflect real-world conditions and support reinvestment in underutilized parcels.

Residential Floor Area Limitation in Mixed-Use Projects

The Town's Code (**Exhibit 4**) currently limits the residential floor area of a mixed-use development to no more than 50 percent of the gross floor area of the building. This standard was adopted to ensure that mixed-use projects remain truly mixed in character and that commercial activity continues to define the Town's business corridors.

As a positive, the 50% cap has been an important safeguard for maintaining the vitality and walkability of the commercial district. By reserving at least half of a building's floor area for non-residential uses, the requirement helps ensure that storefronts, restaurants, and service-oriented businesses remain a visible and active presence within the Town's business district. This approach supports a pedestrian environment.

However, some drawbacks exist and may limit redevelopment opportunities for some parcels within the Town. For some properties, particularly small, shallow, or irregularly shaped parcels, the 50% limit can make redevelopment unfeasible. Developers may find it difficult to justify significant investment when the residential component, which often provides the most stable revenue stream, is tightly constrained.

The current cap also reduces the potential for a wider range of development options in walkable areas near existing amenities. While maintaining a strong commercial presence remains important, the Town already has several review mechanisms in place, such as conditional use, parking requirements, and architectural standards that help ensure compatibility. Providing limited flexibility above the 50% threshold, whether through a tiered system or case-by-case review, could maintain the Town's commercial character while also allowing for reinvestment and adaptation to changing conditions.

In summary, while the 50% residential floor area limitation has supported the commercial balance of mixed-use developments, its fixed nature may not align with current development trends or the Town's broader goals for economic vitality and housing diversity. If authorized to proceed, staff will conduct further research on potential adjustments such as modestly increasing the cap or considering a conditional flexibility mechanism to better understand whether refinements could maintain safeguards while allowing more responsive redevelopment options.

Staff recently reviewed a conceptual redesign of the Walgreens site located at 4317-4323 N Ocean Drive, which was recently sold to new ownership. The new owner is exploring redevelopment of the property as a mixed-use project, an effort that highlights the practical challenges posed by the Town's current mixed-use regulations. During the preliminary review, staff advised the applicant that properties more than 250 feet from Commercial Boulevard are not eligible for mixed use and that residential floor area may not exceed 50 percent of a building's gross floor area. Because the site sits beyond the 250-foot airline measurement, staff could not confirm eligibility despite its clear position within the broader business district and its functional connection to surrounding commercial uses. Additional clarifications were required regarding building height, grade definitions, parking ratios, and bedroom counts to

evaluate compliance with overlapping code provisions. Although the review was conceptual and feedback non-binding, this case underscores how some thresholds such as the 250-foot distance rule and the 50% residential cap can create challenges for reinvestment in properties in Town. It demonstrates the need for review and reconsideration of the Town's standards to ensure that they reflect real-world development patterns while maintaining safeguards for compatibility and commercial vitality.

Lots 60 feet in Width or Less Fronting Bougainvilla Drive



Image 2- Bougainvilla Drive Aerial

Section 30-242 (**Exhibit 5**) was originally intended to protect the character of small, older lots south of Pine Avenue. However, the clause “or fronting on Bougainvilla Drive that existed as of September 13, 2000” has become a barrier to expansion for properties along Bougainvilla

Drive.

Parcels on Bougainvilla abut some of the most dense and active areas of the Town, including multifamily developments and commercial uses. Preventing these parcels from modest expansion is inconsistent with surrounding densities and does not mirror the pattern of redevelopment occurring elsewhere. A recent case illustrates this:

During a review of a Bougainvilla Drive property, staff confirmed that the six existing units were legally established but determined that a proposed second-story addition could not proceed under the current code. The limitation in Section 30-242 specifically its application to Bougainvilla frontage, rendered the property legally nonconforming, despite its proximity to more intense uses.

Removing the Bougainvilla clause would:

- Allow appropriate redevelopment and reinvestment in aging housing stock.
- Encourage property owners to improve buildings rather than leave them underutilized.
- Provide a more consistent and predictable regulatory environment that reflects actual land use conditions.
- All other district related code provisions would remain in force to ensure compatibility and quality.

Recommendation:

Recommendation: Staff has identified code provision conflicts during recent conceptual project reviews which have created uncertainty for applicants and limited redevelopment options for parcels within the Town. Staff requests Commission guidance on whether to proceed with drafting a code amendment to address these conflicts and provide clearer, more flexible standards that still maintain compatibility and protect the Town's character.

Exhibits:

1. Exhibit 1- Mixed Use Requirements
2. Exhibit 2- Ordinance 2017-03 Mixed Use
3. Exhibit 3- Original Mixed Use Regulations Staff Report and Exhibits

EXHIBIT 1

(3) *Mixed use requirements.* The following provisions govern applications for approval of "mixed use" development as a conditional use in the B-1 district.

a. *Purpose.* The purpose of encouraging mixed use development is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the non-residential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

b. *Mixed use development on commercially designated parcels.* The Town may approve a conditional use for mixed use development on B-1 zoned property when the property has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:

1. Flexibility units are available, in accordance with [section 30-100](#), Flexibility rules, of the Town Code;
2. The number of units and floor area limitations of this section are satisfied for the residential uses; and

3. The property is located within 250 feet of Commercial Boulevard measured by airline measurement from the Commercial Boulevard right-of-way line. If any portion of a property lies within the 250-foot measurement, the whole property shall be eligible for mixed use development.

ORDINANCE 2017-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE II, "DEVELOPMENT REVIEW" TO REVISE FLEXIBILITY RULES FOR RESIDENTIAL UNITS ON PROPERTIES DESIGNATED FOR COMMERCIAL LAND USE; AND BY AMENDING THE BUSINESS DISTRICTS TO REVISE DEVELOPMENT REQUIREMENTS, REORGANIZE THE SECTIONS, ADD NEW CONDITIONAL USES, ADDRESS REQUIREMENTS FOR MIXED USE DEVELOPMENT AND MOVE RELEVANT SUBSECTIONS TO SECTION 30-11, "DEFINITIONS" AND SECTION 30-313, "GENERAL PROVISIONS"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

4 **WHEREAS**, the Town desires to provide the flexibility to allow mixed use development
5 in certain portions of the B-1 and B-1-A, Business Zoning Districts; and

6 **WHEREAS**, the Town recognizes that call centers generate a unique level and type of
7 activity and should be regulated as conditional uses to ensure that if allowed, the use can be
8 adequately accommodated without generating adverse impacts on services and land uses within
9 the immediate vicinity; and

10

11 **WHEREAS**, the Town Commission has determined that it is in the best interests of the
12 citizenry and general public to provide appropriate zoning regulations for mixed use
13 development to ensure that the location and development standards are compatible with
14 surrounding businesses and consistent with the Comprehensive Plan; and

15 **WHEREAS**, the Town desires to reorganize conditional use requirements in the business
16 districts for consistency and ease of reference; and

17 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
18 reviewed the contents of this Ordinance at a duly noticed public hearing on December 15, 2016,
19 and recommended approval of the amendments with certain revisions that have been
20 incorporated into this ordinance; and

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

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

28 **SECTION 1. Recitals.** The preceding "Whereas" clauses are ratified and incorporated
29 as the legislative intent of this Ordinance.¹

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~. Additions subsequent to first reading are shown in double underline. Deletions subsequent to first reading are shown in ~~double-strikethrough~~.

SECTION 2. Amendment. Chapter 30, Unified Land Development Regulations of the Code of Ordinances, Article I, In General, Division 1, Introduction, is hereby amended as follows:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE I. – IN GENERAL

* * *

DIVISION 1. - INTRODUCTION

* * *

Sec. 30-11. - Definitions.

* * *

(c) *Abbreviations and definitions.*

* * *

(2) *Terms defined.*

Call center. A centralized business office with more than four employees, which office is used for the purpose of receiving and transmitting requests by telephone or operated by a company to administer incoming product support or information inquiries from consumers. Includes incoming or outgoing calls for, but not limited to, telemarketing, clientele, product services and debt collection.

* * *

Mixed-use building. A multistory building, with at a minimum, the ground floor devoted to non-residential use(s) and one additional floor devoted to residential use(s).

* * *

Non-residential use. Neighborhood-serving retail, service, commercial or other uses allowed in the relevant zoning district, excluding residential uses.

* * *

Short Term Rental. Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is

advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project, where such unit or units are in:

- a. a duplex/two-family dwelling;
- b. a multifamily dwelling of 3 or 4 dwelling units; or
- c. a mixed use development with 1 to 4 dwelling units.

* * *

Storefront. The street-level portion of a business building front that includes display window(s) or transparent entrance(s). The detailing and proportions distinguish the design of a storefront from the appearance of the upper portions of the building.

* * *

SECTION 2. Amendment. Chapter 30, Unified Land Development Regulations of the Code of Ordinances, Article II, Development Review, Division 3, Flexibility Rules, is hereby amended as follows:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE II. – DEVELOPMENT REVIEW

* * *

DIVISION 3. – Flexibility Rules

Sec. 30-100. - Flexibility rules.

- (a) Flexibility rules allow the Town to revise and rearrange land uses within a flexibility zone and allow the development of residential dwelling units on properties designated for commercial land use in the Broward County Land Use Plan, without requiring an amendment to that designation.

(1) *Definitions.*

- a. *Flexibility zones:* Flexibility zones are fixed geographic areas within the Town, designated on the Broward County Land Use Plan, which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the Town's comprehensive plan.
- b. *Flexibility units:* Flexibility units are the total number of additional residential dwelling units permitted by the Broward County Land Use Plan above the total

number of dwelling units allowed within the same flexibility zone by the Town's comprehensive plan.

(2) *Determination of available flexibility units.* The Town Manager or designee shall maintain a log of the number of available flexibility units in each flexibility zone, the number of flexibility units assigned to parcels within each zone and within the Town, and the reason for assigning flexibility units to a parcel.

(3) *Assignment of flexibility units.* If a sufficient number of flexibility units are available, the Town may allocate flexibility units for mixed use development in the B-1 or B-1-A zoning district, as provided in sections 30-261 and 30-271(g). ~~Mixed use development~~, provided that the County's flexibility rules and regulations are met and all other applicable requirements of chapter 30 of the Code are met.

SECTION 3. Amendment. Chapter 30, Unified Land Development Regulations of the

Code of Ordinances, Article V, Zoning, Division 2, Districts, is hereby amended as follows:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE V. – ZONING

* * *

DIVISION 2. - DISTRICTS

* * *

Subdivision G. - B-1-A District Regulations

* * *

Sec. 30-261. - B-1-A district—Business.

(a) *B-1-A uses permitted.*

* * *

(2) *Conditional uses.* The following conditional uses may be permitted upon approval pursuant to the conditional use procedures of this Code:

* * *

e. Convenience store, subject to the requirements as set forth in subsection (i), below.

* * *

h. Medical marijuana retail center, subject to the requirements as set forth in subsection (ik) below.

i. Mixed Use, subject to the requirements as set forth in subsection (i) below.

ji. "Paid private parking" on parcels with a primary use, excluding standalone parking lots, subject to the requirements as set forth in subsection (il) below.

[NOTE TO CODIFIER, please reletter remainder of section accordingly]

* * *

(b) *Height.*

(1) No building shall be erected to a height greater than two stories on single 25-foot lots less than 50 feet in width, nor greater than three stories on any other 50-foot lots.

(2) Lots which are adjacent may be combined and developed as one parcel, and may utilize the wider lot height restrictions if a joinder of the lots under a unity of title or covenant-in-lieu is provided in a form acceptable to the Town Attorney.

(c) *Lot coverage* Areas. No building which is used for residence purposes above the ground floor shall occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall be not less than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for residential purposes shall not occupy more than 90 percent of the lot area.

(d) *Design.*

(1) Construction shall be limited to one building on B-1-A lots that are 50 feet or less in width.

(2) All business buildings constructed in a business district shall be of C.B.S. construction, and shall be designed with every practical consideration for appearance, fire protection, health, light, air. All plans and specifications of the building shall be approved by the Town Building Inspector. The Building Inspector need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically prohibited in B-1-A districts and there shall be a maximum opening of ten feet by ten feet for doorways in each business building.

(3) No parking spaces constructed after [THE EFFECTIVE DATE OF THIS ORDINANCE] shall be located along the primary street frontage and to the maximum extent feasible without losing required parking, as determined by the DSD, existing parking along the primary street frontage shall be removed from the primary street frontage for any redevelopment.

(4) Curbscuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial

- 166 Boulevard, or it is determined based on a traffic study that access from Commercial
167 Boulevard is necessary for safe and efficient vehicular and pedestrian circulation.
168 (5) Each structure shall have its own sustaining walls; party walls are prohibited.
169 (6) There shall be at least one front entrance and one rear entrance to buildings.
170 (7) There must be a ground floor storefront facing the primary street. If the property is
171 a corner lot, there must be a ground floor storefront facing both streets.
172 (8) Building facades on the second or third stories shall be physically and visually
173 diverse, incorporating features such as balconies, alternate or varied setbacks,
174 eyebrows or other artistic and architectural features on at least 40% of the linear
175 frontage per story above the first. The DSD shall review and approve compliance
176 with this criteria through the architectural review process, and may decrease the
177 40% standard by 10% if the DSD finds that such a change enhances the mid-
178 century modern façade and remains consistent with the architectural design
179 guidelines.
180 (9) Building facades on the majority of the length of the first floor must incorporate
181 architectural features such as eyebrows, awnings, canopies or other artistic and
182 architectural features to create shade.

183 ²(e) ~~Outside seating for restaurants, on private property other than a sidewalk, that is~~
184 ~~accessory to the primary restaurant use may be permitted subject to the following~~
185 ~~regulations:~~

- 186 (1) ~~Permit required.~~ It shall be unlawful for any person to provide outside seating for a
187 restaurant on private property within the Town without first obtaining a permit
188 from the Town. The location of an outside seating area for a restaurant shall be
189 approved by the Town Manager or designee.
- 190 (2) ~~Permit fee.~~ A permit fee shall be established by resolution of the Town
191 Commission.
- 192 (3) ~~Permit application.~~ Application for a permit to provide outside seating for a
193 restaurant shall be made at the office of the Town Clerk. Such application shall
194 include:
- 195 a. ~~Name, address and telephone number of the applicant.~~
196 b. ~~Name and address of business.~~
197 c. ~~A copy of a valid Town of Lauderdale By The Sea business tax receipt to~~
198 ~~operate a restaurant adjacent to the outside seating area which is the subject~~
199 ~~of the application.~~
200 d. ~~An eight and one-half inches × 11 inches drawing at a minimum scale of one~~
201 ~~inch equals 20 feet showing the following:~~
202 1. ~~The store front and all openings (doors, windows);~~
203 2. ~~The location and dimensions of the private property area being utilized~~
204 ~~for the outside seating area, including: structures located thereon;~~

² This section has been moved to subsection (h). Changes from the original text are shown in that new location in strikethrough and underline.

- 205 proposed location, dimension and number of tables, chairs, and
206 umbrellas proposed within the outside seating area;
- 207 3. Clear delineation of the boundary between private property and the
208 public right of way;
- 209 4. The location of tables and chairs complying with the Americans with
210 Disabilities Act (ADA) standards.
- 211 e. When the outside seating is visible from a public right of way, the
212 application shall also include:
- 213 1. Photographs and/or manufacturer brochures fully describing the
214 appearance of all proposed chairs, tables, umbrellas and other private
215 features, including but not limited to lighting to be used in the proposed
216 outside seating area.
- 217 2. A trash management and maintenance plan for the outside seating area,
218 which shall include a plan for pickup and disposal of any trash or food
219 on or around the tables and chairs or sidewalk, and periodic pressure
220 cleaning of the area used for outside seating. This plan shall ensure that
221 the outside seating area is maintained in a neat and orderly appearance
222 at all times and the area shall be cleared of all debris on a periodic basis
223 during the day and at the close of each business day to ensure a healthy
224 and safe environment.
- 225 f. Written consent from the building owner for the proposed outside seating
226 area.
- 227 g. In the event the outside seating area is proposed in front of an adjacent
228 owner's property, the applicant must provide written consent from the
229 adjacent property owner for use of this area.
- 230 h. Non-refundable application fee.
- 231 i. Applications shall be reviewed for compliance with the Town Code and may
232 be approved by the Town Manager or designee.
- 233 j. The Town Manager or designee may deny an application that does not
234 comply with this section. Such denials shall be written and shall provide the
235 reasons for the denial. The applicant or any property owner whose property
236 directly abuts the property which is the subject matter of the application may
237 appeal the Town Manager or designee's decision to the Town Commission.
- 238 (4) Location requirements. The location of an outside seating area for a restaurant shall
239 be subject to the following locational regulations:
- 240 a. An outside seating area shall only be permitted on private property that is:
- 241 1. Adjacent to a licensed restaurant business to which the permit is issued;
242 or
- 243 2. Adjacent to another licensed business that is located within the same
244 building as the licensed restaurant business to which a permit is issued.
- 245 b. Tables and chairs shall not be located within a ten-foot proximity of bus
246 stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap
247 ramp.

- 248 e. ~~The Town Manager or designee may permit an exception to the distance~~
249 ~~requirement of subsection b. [above] from ten feet to five feet where~~
250 ~~established pedestrian and tram paths shall not be obstructed and where~~
251 ~~public safety shall not be adversely affected.~~
- 252 d. ~~Markers approved by the Town Manager or designee shall be embedded into~~
253 ~~the property by the applicant to distinguish the approved boundaries of the~~
254 ~~outside seating area. This requirement may be waived by the Town Manager~~
255 ~~or designee if the proposed outside seating area is not on or adjacent to any~~
256 ~~private or public sidewalk, parking or other pedestrian area.~~
- 257 (5) ~~Additional regulations for outside seating for a restaurant:~~
- 258 a. ~~The outside seating area shall be accessory to and under the same ownership~~
259 ~~or control as the primary restaurant which is operated within a permanently~~
260 ~~enclosed building located on the same or adjacent parcel.~~
- 261 b. ~~There shall be no use, operation, or playing of any musical instrument, loud-~~
262 ~~speaker, sound amplifier, or other machine or device for the production or~~
263 ~~reproduction of sound in such a manner as to disturb the peace, quiet, or~~
264 ~~comfort of the neighboring inhabitants or at any time with louder volume~~
265 ~~than is otherwise regulated by Chapter 13, Noise, of the Town Code.~~
- 266 e. ~~Food preparation shall only occur in the fully enclosed area of the licensed~~
267 ~~primary restaurant.~~
- 268 d. ~~Hours of operation shall not exceed the hours of operation established for the~~
269 ~~principal licensed restaurant.~~
- 270 e. ~~All fabrics shall be fire-retardant, pressure-treated or manufactured of fire~~
271 ~~resistive material.~~
- 272 f. ~~No objects shall be permitted around the perimeter of the outside seating area~~
273 ~~that is occupied by tables and chairs which would have the effect of forming~~
274 ~~a physical or visual barrier discouraging the use of a sidewalk by the general~~
275 ~~public.~~
- 276 g. ~~Additionally, when the outside seating area is visible from a public right-of-~~
277 ~~way:~~
- 278 1. ~~No tables, chairs, or any other part of an outside seating area shall be~~
279 ~~permanently attached, chained, or in any manner affixed to any tree,~~
280 ~~post, sign or other fixtures, curb or sidewalk within or near the~~
281 ~~permitted area.~~
- 282 2. ~~Tables, chairs, umbrellas, canopies, awnings, and any other objects~~
283 ~~utilized as part of the outside seating area shall be of quality design,~~
284 ~~materials, size, elevation and workmanship both to ensure the safety and~~
285 ~~convenience of users, and to enhance the visual quality of the urban~~
286 ~~environment. Design, materials and colors shall be approved by the~~
287 ~~Town Manager or designee prior to the issuance of the permit to allow~~
288 ~~the outside seating area.~~
- 289 (6) ~~Prior to issuance of a permit for an outside seating area, the Town Clerk shall~~
290 ~~certify that there are no outstanding fines, moneys, fees, taxes or other charges~~
291 ~~owed to the Town by the current or past owners or operators of the property~~

requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.

- (7) ~~Any primary restaurant which obtains a permit to have outside seating as an accessory use to a primary restaurant, pursuant to [sub]section 30-261(1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.~~

[(f) NOTE TO CODIFIER, please move this current subsection (f) *Convenience store criteria* to subsection (1) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

* * *

(eg) *Setbacks.*

- (1) Front setback. ~~No building or any part thereof shall be erected on any lot closer than 25 feet to the front lot line. No new building after [THE EFFECTIVE DATE OF THIS ORDINANCE] shall have a front setback, except those erected on Bougainville Drive which shall have a front setback of 25 feet from property line.~~

- (2) Rear setback. No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line.

- (3) Side setbacks. No side setbacks are required.

- (4) Roof cornice setbacks. ~~Roof cornices constructed of fire-resistive materials, if ten feet or more above the sidewalk, may project over the public street not more than three feet, but shall never be closer than provided they are set back a minimum of two feet, measured from the curblin. The construction and anchorage of all such projections shall be subject to the approval of the Building Inspector and may be created only upon a permit issued by the Building Inspector.~~

- (5) ~~Exterior balconies. Fixed exterior balconies shall be designed in accordance with the engineering section of the Town's building code, and shall be supported in an approved manner and the framework shall be of steel, iron, reinforced concrete or other incombustible material. Such exterior balconies shall be at least ten feet in the clear between the lowest point of any projection and the sidewalk immediately below, and shall extend not more than three feet from the building, but shall never be closer than two feet measured from the curblin. Exterior balconies shall not support any enclosure or structures with roof above.~~

³(h) ~~Loitering.~~

³ Subsections (h) and (i) have been relocated, to subsection 30-313(j) and (k) respectively.

(1) ~~All businesses shall provide adequate indoor seating for their customers, clients, patients and business invitees.~~

(2) ~~Except for customers seated in approved sidewalk café areas, customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the business is operating, including in any parking areas, sidewalks, rights of way, or neighboring properties.~~

(3) ~~Pedestrian queuing or loitering at any time, including prior to business hours, outside of the business' building is prohibited.~~

(i) ~~*Queuing of vehicles.* All businesses shall ensure that there is no queuing of vehicles in the adjacent rights of way, drive aisles of the property's parking lot or on any adjacent properties.~~

(fj) *No drive-through or outdoor service.* Drive-through, drive-in or drive-up services or related service aisles are prohibited. Except as permitted in the operation of an approved sidewalk cafe or outdoor dining area, all business transactions including payment and receipt of merchandise shall occur inside the building.

(g) *Lot subdivision.* Subdivision of lots to a width less than 25 feet is not permitted.

⁴(h) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:

(1) *Permit required.* It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

(2) *Permit fee.* A permit fee shall be established by resolution of the Town Commission.

(3) *Permit application.* Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:

a. Name, address and telephone number of the applicant.

b. Name and address of business.

c. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.

d. An 8 ½ ~~eight and one-half inches~~ × 11 inches drawing or larger at a minimum scale of one inch equals 20 feet showing the following:

1. The store front and all openings (doors, windows);

⁴ This subsection (h) has been relocated from subsection (e). Changes are shown from the original text. Additions to the original text are shown in underline and deletions are shown in ~~strikethrough~~.

- 364 2. The location and dimensions of the private property area being utilized for
365 the outside seating area, including: structures located thereon; proposed
366 location, dimension and number of tables, chairs, and umbrellas proposed
367 within the outside seating area;
- 368 3. Clear delineation of the boundary between private property and the public
369 right-of-way;
- 370 4. The location of tables and chairs complying with the Americans with
371 Disabilities Act (ADA) standards.
- 372 e. When the outside seating is visible from a public right-of-way, the application
373 shall also include:
- 374 1. Photographs and/or manufacturer brochures fully describing the
375 appearance of all proposed chairs, tables, umbrellas and other private
376 features, including but not limited to lighting to be used in the proposed
377 outside seating area.
- 378 2. A trash management and maintenance plan for the outside seating area,
379 which shall include a plan for pickup and disposal of any trash or food on
380 or around the tables and chairs or sidewalk, and periodic pressure cleaning
381 of the area used for outside seating. This plan shall ensure that the outside
382 seating area is maintained in a neat and orderly appearance at all times and
383 the area shall be cleared of all debris on a periodic basis during the day
384 and at the close of each business day to ensure a healthy and safe
385 environment.
- 386 f. Written consent from the building owner for the proposed outside seating area.
- 387 g. In the event the outside seating area is proposed in front of an adjacent owner's
388 property, the applicant must provide written consent from the adjacent property
389 owner for use of this area.
- 390 h. Non-refundable application fee.
- 391 i. Applications shall be reviewed for compliance with the Town Code and may be
392 approved by the Town Manager or designee.
- 393 j. The Town Manager or designee may deny an application that does not comply
394 with this section. Such denials shall be written and shall provide the reasons for
395 the denial. The applicant or any property owner whose property directly abuts
396 the property which is the subject matter of the application may appeal the Town
397 Manager or designee's decision to the Town Commission.
- 398 (4) Location requirements. The location of an outside seating area for a restaurant shall
399 be subject to the following locational regulations:
- 400 a. An outside seating area shall only be permitted on private property that is:
- 401 1. ~~Adjacent to a licensed restaurant business to which the permit is issued;~~
402 ~~or~~
- 403 2. ~~Adjacent to another licensed business that is located within the same~~
404 ~~building as the licensed restaurant business to which a permit is issued.~~
- 405 b. Tables and chairs shall not be located within a ten-foot proximity of bus stops,
406 taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.

- 407 c. The Town Manager or designee may permit an exception to the distance
408 requirement of subsection b. [above] from ten feet to five feet where established
409 pedestrian and tram paths shall not be obstructed and where public safety shall
410 not be adversely affected.
- 411 d. Markers approved by the Town Manager or designee shall be embedded into the
412 property ~~by the applicant~~ to distinguish the approved boundaries of the outside
413 seating area. This requirement may be waived by the Town Manager or
414 designee if the proposed outside seating area is not on or adjacent to any private
415 or public sidewalk, parking or other pedestrian area of the area is otherwise
416 clearly delineated.
- 417 (5) Additional regulations for outside seating for a restaurant:
- 418 a. The outside seating area shall be accessory to and under the same ownership or
419 control as the primary restaurant which is operated within a permanently
420 enclosed building located on the same or adjacent parcel.
- 421 b. There shall be no use, operation, or playing of any musical instrument, loud-
422 speaker, sound amplifier, or other machine or device for the production or
423 reproduction of sound in such a manner as to disturb the peace, quiet, or
424 comfort of the neighboring inhabitants or at any time with louder volume than is
425 otherwise regulated by Chapter 13, Noise, of the Town Code.
- 426 c. Food preparation shall only occur in the fully enclosed area of the licensed
427 primary restaurant.
- 428 d. Hours of operation shall not exceed the hours of operation established for the
429 principal licensed restaurant.
- 430 e. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire
431 resistive material.
- 432 f. No objects shall be permitted around the perimeter of the outside seating area
433 that is occupied by tables and chairs which would have the effect of forming a
434 physical or visual barrier discouraging the use of a sidewalk by the general
435 public.
- 436 g. Additionally, when the outside seating area is visible from a public right-of-
437 way:
- 438 1. No tables, chairs, or any other part of an outside seating area shall be
439 permanently attached, chained, or in any manner affixed to any tree, post,
440 sign or other fixtures, curb or sidewalk within or near the permitted area.
- 441 2. Tables, chairs, umbrellas, canopies, awnings, and any other objects
442 utilized as part of the outside seating area shall be of quality design,
443 materials, size, elevation and workmanship both to ensure the safety and
444 convenience of users, and to enhance the visual quality of the urban
445 environment. Design, materials and colors shall be approved by the Town
446 Manager or designee prior to the issuance of the permit to allow the
447 outside seating area.
- 448 (6) Prior to issuance of a permit for an outside seating area, the Town Clerk shall certify
449 that there are no outstanding fines, moneys, fees, taxes or other charges owed to the
450 Town by the current or past owners or operators of the property requesting a permit

for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.

- (7) Any primary restaurant which obtains a permit to have outside seating as an accessory use to a primary restaurant, pursuant to [sub]section 30-261(1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.

(i) Specific conditional use criteria.

(1) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (f) Convenience store criteria.]

(2) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (k) Medical Marijuana requirements.]

(3) Mixed Use requirements. The following provisions govern applications for approval of "mixed use" development as a conditional use in the B-1-A district.

a. Purpose. The purpose of encouraging mixed use development is to:

1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the nonresidential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

b. Mixed use development on commercially designated parcels. The Town may approve a conditional use for mixed use development on B-1-A zoned property when the property has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:

1. Flexibility units are available, in accordance with section 30-100, Flexibility rules of the Town Code; and
2. The number of units and floor area limitations of this section are satisfied for the residential uses.

c. Limitations on residential uses.

1. Maximum number of units. No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.
2. Limitations on location of uses.

- i. Non-residential use or space is prohibited on or above any floor which contains any residential use or space.
- ii. Residential use or space is prohibited on the ground floor.
3. Floor area and lot coverage.
- i. The residential floor area of the mixed use development shall not exceed 50 percent of the gross floor area of the building.
- ii. No building which includes residential uses shall occupy an area greater than 70 percent of the entire lot.
- iii. The required lot area per apartment or kitchen unit shall be not less than 800 square feet. The required floor area per apartment or kitchen unit shall not be less than 250 square feet minimum.
- iv. The required floor area for a hotel room shall not be less than 200 square feet.
4. Rental Restriction. ~~Dwelling units that are used for rental purposes shall be limited as follows:~~
- i. ~~On properties with four dwelling units or less, short term rentals are permitted as an accessory use if a rental certificate is first obtained pursuant to section 30-327; or~~
- ii. ~~On properties with more than four dwelling units, a minimum residency of 120 consecutive days is required.~~
- d. Parking requirements.
1. The total number of required off-street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately.
2. A minimum of one parking space per residential unit must be provided on-site.
3. For a unit that includes both residential and non-residential uses, the total required parking will be equal to the parking required for the nonresidential use only. See sections 30-314 through 30-324 regarding off-street parking.
- e. Landscaping and open space requirements. Mixed use developments shall be required to meet the vehicular use area requirements as provided in Article VII, Landscape Code, of Chapter 30, Unified Land Development Regulations, for non-residential uses.

(4) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (1) Paid Private Parking requirements.]

525 (k) NOTE TO CODIFIER, PLEASE MOVE THIS CURRENT SUBSECTION (k) *Medical*
526 *Marijuana requirements* to subsection (2) under new subsection (i) *Specific conditional use*
527 *criteria*, and renumber accordingly]

528 * * *

529 (l) NOTE TO CODIFIER, PLEASE MOVE THIS CURRENT SUBSECTION (l) regarding
530 Paid Private Parking requirements to subsection (4) under new subsection (i) *Specific conditional*
531 *use criteria*, and renumber accordingly]

532 * * *

533 Subdivision H. - B-1 District Regulations

534 Sec. 30-271. - B-1 district—Business.

535 (a) *B-1 uses permitted.*

536 * * *

537 (2) Conditional uses. The following conditional uses may be permitted upon approval
538 pursuant to the conditional use procedures of this Code:

539 a. Bicycle taxi (no outside storage or display).

540 b. Call center, subject to the requirements as set forth in subsection (i), below.

541 c. Car wash/outdoor hand wash.

542 d. Charter and sightseeing boat.

543 e. Child and adult day-care centers.

544 f. Convenience store, subject to the requirements as set forth in subsection (ie),
545 below.

546 g. Drive-through services that are accessory to a primary use, provided that any
547 approval of the drive-through use by the Town Commission shall specifically
548 establish the location and traffic flow pattern of the drive-through.

549 h. Dry cleaner.

550 i. Marina, subject to the requirements as set forth in subsection (im) below.

551 j. Mixed use, subject to the requirements as set forth in subsection (if) below.

552 k. "Paid private parking" on parcels with a primary use, excluding standalone
553 parking lots subject to the requirements as set forth in subsection (in) below.

554 [NOTE TO CODIFIER, please reletter remainder of section accordingly]

555 * * *

⁵(b) ~~Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:~~

(1) ~~Permit required.~~ It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

(2) ~~Permit fee.~~ The fee for a permit for outside seating for a restaurant shall be as established by resolution of the Town Commission.

(3) ~~Permit application.~~ Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:

a. ~~Name, address and telephone number of the applicant.~~

b. ~~Name and address of business.~~

c. ~~A copy of a valid Town of Lauderdale By The Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.~~

d. ~~An eight and one half inches times; 11 inches drawing at a minimum scale of one inch equals 20 feet showing the following:~~

1. ~~The store front and all openings (doors, windows).~~

2. ~~The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;~~

3. ~~Clear delineation of the boundary between private property and the public right-of-way;~~

4. ~~The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.~~

e. ~~When the outside seating area is visible from a public right-of-way, the application shall also include:~~

1. ~~Photographs and/or manufacturer brochures fully describing the appearance of all proposed chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed outside seating area.~~

2. ~~A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating area. This plan shall ensure that the outside seating area is maintained in a neat and orderly appearance at all times and the area~~

⁵ Subsection (c) Outside seating for restaurants, has been relocated to subsection (h). Changes from the original text are shown in that new location in strikethrough and underline.

- 592 shall be cleared of all debris on a periodic basis during the day and at the close
593 of each business day to ensure a healthy and safe environment.
- 594 f. ~~Written consent from the building owner for the proposed outside seating area.~~
- 595 g. ~~In the event the outside seating area is proposed in front of an adjacent owner's~~
596 ~~property, the applicant must provide written consent from the adjacent property~~
597 ~~owner for use of this area.~~
- 598 h. ~~Non-refundable application fee.~~
- 599 i. ~~Applications shall be reviewed for compliance with the Town Code and may be~~
600 ~~approved by the Town Manager or designee.~~
- 601 j. ~~The Town Manager or designee may deny an application that does not comply~~
602 ~~with this section. Such denials shall be written and shall provide the reasons for the~~
603 ~~denial. The applicant or any property owner whose property directly abuts the~~
604 ~~property which is the subject matter of the application may appeal the Town~~
605 ~~Manager or designee's decision to the Town Commission.~~
- 606 (4) ~~Location requirements.~~ The location of an outside seating area for a restaurant shall be
607 subject to the following locational regulations:
- 608 a. ~~An outside seating area shall only be permitted on private property that is:~~
- 609 1. ~~Adjacent to a licensed restaurant business to which the permit is issued; or~~
- 610 2. ~~Adjacent to another licensed business that is located within the same building~~
611 ~~as the licensed restaurant business to which a permit is issued.~~
- 612 b. ~~Tables and chairs shall not be permitted within a ten-foot proximity of bus stops,~~
613 ~~taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.~~
- 614 c. ~~The Town Manager or designee may permit an exception to the distance~~
615 ~~requirement of subsection b. [above] from ten feet to five feet where established~~
616 ~~pedestrian and tram paths shall not be obstructed and where public safety shall not~~
617 ~~be adversely affected.~~
- 618 d. ~~Markers approved by the Town Manager or designee shall be embedded into the~~
619 ~~property by the applicant to distinguish the approved boundaries of the outside~~
620 ~~seating area. This requirement may be waived by the Town Manager or designee~~
621 ~~if the proposed outside seating area is not on or adjacent to any private or public~~
622 ~~sidewalk, parking or other pedestrian area.~~
- 623 (5) ~~Additional regulations for outside seating for a restaurant:~~
- 624 a. ~~The outside seating area shall be accessory to and under the same ownership or~~
625 ~~control as the primary restaurant which is operated within a permanently enclosed~~
626 ~~building located on the same or adjacent parcel.~~
- 627 b. ~~There shall be no use, operation, or playing of any musical instrument, loud-~~
628 ~~speaker, sound amplifier, or other machine or device for the production or~~
629 ~~reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of~~

the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13, Noise, of the Town Code.

e. ~~Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.~~

d. ~~Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.~~

e. ~~All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.~~

f. ~~No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.~~

g. ~~Additionally, when the outside seating area is visible from a public right-of-way:~~

1. ~~No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.~~

2. ~~Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating.~~

(6) ~~Prior to issuance of a permit for outside seating, 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 requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.~~

(7) ~~Any primary restaurant which obtains a permit to have outside seating as an accessory use to the primary restaurant, pursuant to [sub]section 30-261(1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.~~

[(c) NOTE TO CODIFIER, please move this current subsection (c) *Convenience store criteria* to subsection (1) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

(b~~d~~) *Height.*

(1) No building shall be erected to a height greater than two stories on single 25-foot lots less than 50 feet in width, nor greater than three stories on any other 50-foot lots.

(2) Lots which are adjacent may be combined and developed as one parcel, and may utilize the wider lot height restrictions if a joinder of the lots under a unity of title or covenant-in-lieu is provided in a form acceptable to the Town Attorney.

~~(ce) *Lot coverage. Areas.* No building which is used for residence purposes above the ground floor shall occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall not be less than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for residential purposes shall not occupy no more than 90 percent of the lot area.~~

~~⁶(f) *Mixed use development.* The following provisions govern applications for the conditional use of "mixed use," a vertical mix of neighborhood-serving B-1 uses and residential uses within the same building, in locations fronting on Commercial Boulevard and west of State Road A1A.~~

~~(1) *Purpose.* The purpose of encouraging mixed use development on Commercial Boulevard is to:~~

~~a. Accommodate mixed use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the nonresidential space;~~

~~b. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and~~

~~c. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.~~

~~(2) *Definitions.* For purposes of this section, the following definitions shall apply:~~

~~a. "Live/work units" means a type of mixed use development that combines non-residential uses in the same structure as a dwelling unit occupied by the business owner, which reduces trip generation, provides for affordable and diverse housing options in the Town, incubates new businesses and provides for the needs of unique businesses such as art galleries and studios.~~

~~b. "Live/work space" means the residential dwelling unit and related non-residential uses conducted above the ground floor of a live/work unit.~~

~~c. "Mixed-use building" means a building that contains at least one floor devoted to non-residential use and at least one devoted to allowed residential uses.~~

~~d. "Non-residential use" means neighborhood-serving retail, service, commercial or other uses allowed in the B-1 zoning district, excluding residential uses.~~

~~e. "Work/sales space" means the non-residential uses on the ground floor of a live/work unit.~~

~~(3) *Mixed use development on commercially designated parcels.* The Town may approve a conditional use for mixed use development on B-1 zoned property when the property~~

⁶ Subsection (f) Mixed use development, has been relocated to subsection (i)(3). Changes from the original text are shown in that new location in strikethrough and underline.

has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:

a. ~~Approval is obtained of an allocation of available flexibility units, in accordance with section 30-100, Flexibility rules of the Town Code;~~

b. ~~The number of units and floor area limitations of this section are satisfied for the residential uses;~~

c. ~~Non-residential uses, as defined herein, are limited to the floor(s) below the residential uses;~~

d. ~~The property fronts on Commercial Boulevard, and is located west of State Road A1A;~~

e. ~~A major site plan modification or a site plan approval is obtained; and~~

f. ~~A conditional use approval is obtained.~~

~~(4) Permitted uses.~~

a. ~~On the ground floor:~~

1. ~~Work/sales space in a live/work unit.~~

2. ~~Non-residential use.~~

b. ~~Above the ground floor:~~

1. ~~Live/work space in a live/work unit.~~

2. ~~Dwelling units.~~

~~(5) Limitations on residential uses.~~

a. ~~Maximum number of units.~~ No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.

b. ~~Floor area.~~ The residential floor area of the mixed use development does not exceed 50 percent of the gross floor area of the building.

~~(6) Parking requirements.~~ The total number of required off street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately. For live/work mixed use development, the total required parking will be equal to the parking required for the nonresidential use only. See sections 30-314 through [30-]324 regarding off street parking.

~~(7) Landscaping and open space requirements.~~ Mixed use developments shall be required to meet the vehicular use area requirements as provided in Article VII, Landscape Code, of Chapter 30, Unified Land Development Regulations, for the non-residential use only.

~~(8) Town approvals required for mixed use development.~~

a. ~~Conditional use.~~ A conditional use shall be obtained in accordance with the requirements of section 30-126 of the Town Code. As part of the conditional use

review, the Town Commission shall verify that section 30-100, Flexibility rules of the Town Code, has been satisfied for the allocation of flexibility units.

- b. ~~Site plan.~~ Either a major site plan modification shall be obtained in accordance with section 30-123, or a site plan approval shall be obtained pursuant to article IV, Development Permits — Application, Requirements and Review Procedures, division 2, Site Plan Procedures and Requirements, of the Town Code.

(dg) *Design.*

- (1) Construction shall be limited to one building on B-1 lots 50 feet or less in width.
- (2) All ~~business buildings constructed in a business district~~ shall be of C.B.S. construction.
- (3) Except on waterfront properties, no parking spaces constructed after [THE EFFECTIVE DATE OF THIS ORDINANCE] shall be located along the primary street frontage and to the maximum extent feasible without losing required parking, as determined by the DSD, existing parking along the primary street frontage shall be removed from the primary street frontage for any redevelopment.
- (4) Curbcuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial Boulevard, or it is determined based on a traffic study that access from Commercial Boulevard is necessary for safe and efficient vehicular and pedestrian circulation, and shall be designed with every practical consideration for appearance, fire protection, health, light, air. All plans and specifications of the building shall be approved by the Town Building Inspector. The Building Inspector need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically prohibited in B-1 districts and there shall be a maximum opening of ten feet by ten feet for doorways in each business building.
- (5) Each structure shall have its own sustaining walls; party walls are prohibited.
- (6) There shall be at least one front entrance and one rear entrance to buildings.
- (7) There must be a ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.
- (8) Building facades on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 40% of the linear frontage per story above the first. The DSD shall review and approve compliance with this criteria through the architectural review process, and may decrease the 40% standard by 10% if the DSD finds that such a change enhances the mid-century modern façade and remains consistent with the architectural design guidelines.
- (9) Building facades on the majority of the length of the first floor must incorporate architectural features such as eyebrows, awnings, canopies or other artistic and architectural features to create shade.

(eh) *Minimum building size.* No building shall be erected on any lot, that is 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.

(fi) *Setbacks.*

(1) *Front setback.* ~~Business b~~Buildings shall are not required to be set back on the front except those erected on Ocean Drive (A1A) or Bougainvillea Drive which shall have the following setbacks:

a. Ocean Drive (A1A), front setback of not less than 50 feet from the centerline of said thoroughfare; and

b. Bougainvillea Drive, front setback of 25 feet from property line.

(2) *Side setback.*

a. ~~Business b~~Buildings erected on Blocks 5, 6, 13, and 14 siding on El Mar Drive shall have a side setback of eight feet from the respective property lines of said thoroughfare;

b. ~~business b~~Buildings erected on Blocks 13, 14, 20 and 21 siding on Ocean Drive (A1A) shall have a side setback of not less than 50 feet from the centerline of said thoroughfare; and;

c. Where windows are required or present along an interior side lot line, a setback of not less than five feet shall be provided;

d. Otherwise, one-story business buildings require no side setback, except where windows are required, in which case a setback of not less than five feet shall be made.

(3) *Rear setback:*

a. No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line.

b. No building or any part thereof shall be erected on any lot closer than 30 feet from the rear lot line in the following designated areas:

1. All of Block B except Lots 1, 2, 3, 12, 13, and 14 in Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat Book 28, page 39, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback described in [subsection] (3)(a) herein.

2. All of Block E except Lots 1, 2, 3, 12, 13, and 14 of a subdivision of Track "D" of Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat Book 29, page 21, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback described in [subsection] (3)(a) herein.

823 3. All of Blocks J and K except Lots 1, 2, 3, 12, 13, and 14 of Silver Shores
824 Section of the Town of Lauderdale-By-The-Sea, Unit "B," according to
825 the plat thereof, recorded in Plat Book 31, page 3, Public Records of
826 Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to
827 comply with the rear setback described in {subsection} (3)(a) herein.

828 (4) *Roof cornice setbacks.* Roof cornices ~~constructed of fire-resistive materials~~, if ten feet
829 or more above the sidewalk, may project over the public street ~~not more than three~~
830 feet, provided the roof cornices are set back a minimum of ~~but shall never be closer~~
831 ~~than two feet, measured from the curbline. The construction and anchorage of all such~~
832 ~~projections shall be subject to the approval of the Building Inspector and may be~~
833 ~~erected only upon a permit issued by the Building Inspector.~~

834 (5) ~~*Exterior balconies.* Fixed exterior balconies shall be designed in accordance with the~~
835 ~~engineering section of the Town's building code, and shall be supported in an~~
836 ~~approved manner and the framework shall be of steel, iron, reinforced concrete or~~
837 ~~other incombustible material. Such exterior balconies shall be at least ten feet in the~~
838 ~~clear between the lowest point of any projection and the sidewalk immediately below,~~
839 ~~and shall extend not more than three feet from the building, shall never be closer than~~
840 ~~two feet from the curbline. Exterior balconies shall not support any enclosure or~~
841 ~~structures with roof above.~~

842 (g) *Lot subdivision.* Subdivision of lots to a width less than 25 feet is prohibited.

843 ⁷(j) ~~*Loitering.*~~

844 (1) ~~All businesses shall provide adequate indoor seating for their customers, clients, patients~~
845 ~~and business invitees.~~

846 (2) ~~Except for customers seated in approved sidewalk café areas, customers, clients, patients~~
847 ~~or business invitees shall not be directed, encouraged or allowed to stand, sit (including in~~
848 ~~a parked car for any period of time longer than reasonably required for a person's~~
849 ~~passenger to conduct their official business and depart), or gather or loiter outside of the~~
850 ~~building where the business is operating, including in any parking areas, sidewalks,~~
851 ~~rights-of-way, or neighboring properties.~~

852 (3) ~~Pedestrian queuing at any time, including prior to business hours, outside of the business'~~
853 ~~building is prohibited.~~

854 (k) ~~*Queuing of vehicles.* All businesses shall ensure that there is no queuing of vehicles in the~~
855 ~~adjacent rights-of-way, drive aisles of the property's parking lot or on any adjacent~~
856 ~~properties;~~

857 (l) ~~*Properties with street frontage on the parking plazas or Commercial Boulevard between*~~
858 ~~*Seagrape Drive and West Tradewinds only; general provisions.*~~

859 (1) ~~All construction which shall extend to a permitted two-story level use shall provide front~~
860 ~~and rear entrances.~~

861 (2) ~~Each structure shall have its own sustaining walls; party walls shall be prohibited.~~

⁷ These subsections (j) and (k) have been relocated to Section 30-313 (j) and (k) respectively.

(3) ~~There shall be both a front and rear entrance to buildings.~~

(4) ~~All construction on corner lots and Seagrape Drive, East Tradewinds or West Tradewinds, and facing east or west, must include a finished storefront architecture on the side of the building facing Commercial Boulevard on the north or south side, as the case may be, dependent upon which side of Commercial Boulevard the construction is planned. This requirement is intended to eliminate any solid wall frontage facing the boulevard.~~

[(m) NOTE TO CODIFIER, please move this current subsection (m) *Marina Uses* to subsection (2) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

[(n) NOTE TO CODIFIER, please move this current subsection (n) *Paid Private Parking* to subsection (4) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

(h)⁸ Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:

(1) *Permit required.* It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

(2) *Permit fee.* The fee for a permit for outside seating for a restaurant shall be as established by resolution of the Town Commission.

(3) *Permit application.* Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:

a. Name, address and telephone number of the applicant.

b. Name and address of business.

c. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.

d. An 8 ½ x 11 inch ~~eight and one half inches times; 11 inches drawing or larger~~ at a minimum scale of one inch equals 20 feet showing the following:

1. The store front and all openings (doors, windows).

2. The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;

⁸ This subsection (h) has been relocated from subsection (c). Changes shown are from the original text. Additions to the original text are shown in underline and deletions are shown in ~~strikethrough~~.

- 898 3. Clear delineation of the boundary between private property and the public
899 right-of-way;
- 900 4. The location of tables and chairs complying with the Americans with
901 Disabilities Act (ADA) standards.
- 902 e. When the outside seating area is visible from a public right-of-way, the
903 application shall also include:
- 904 1. Photographs and/or manufacturer brochures fully describing the
905 appearance of all proposed chairs, tables, umbrellas and other private
906 features, including but not limited to lighting to be used in the proposed
907 outside seating area.
- 908 2. A trash management and maintenance plan for the outside seating area,
909 which shall include a plan for pickup and disposal of any trash or food on
910 or around the tables and chairs or sidewalk, and periodic pressure cleaning
911 of the area used for outside seating area. This plan shall ensure that the
912 outside seating area is maintained in a neat and orderly appearance at all
913 times and the area shall be cleared of all debris on a periodic basis during
914 the day and at the close of each business day to ensure a healthy and safe
915 environment.
- 916 f. Written consent from the building owner for the proposed outside seating area.
- 917 g. In the event the outside seating area is proposed in front of an adjacent owner's
918 property, the applicant must provide written consent from the adjacent property
919 owner for use of this area.
- 920 h. Non-refundable application fee.
- 921 i. Applications shall be reviewed for compliance with the Town Code and may be
922 approved by the Town Manager or designee.
- 923 j. The Town Manager or designee may deny an application that does not comply
924 with this section. Such denials shall be written and shall provide the reasons for
925 the denial. The applicant or any property owner whose property directly abuts
926 the property which is the subject matter of the application may appeal the Town
927 Manager or designee's decision to the Town Commission.
- 928 (4) *Location requirements.* The location of an outside seating area for a restaurant shall
929 be subject to the following locational regulations:
- 930 a. An outside seating area shall only be permitted on private property that is:
- 931 1. ~~Adjacent to a licensed restaurant business to which the permit is issued;~~
932 ~~or~~
- 933 2. ~~Adjacent to another licensed business that is located within the same~~
934 ~~building as the licensed restaurant business to which a permit is issued.~~
- 935 b. Tables and chairs shall not be permitted within a ten-foot proximity of bus
936 stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap
937 ramp.

- 938 c. The Town Manager or designee may permit an exception to the distance
939 requirement of subsection b. [above] from ten feet to five feet where established
940 pedestrian and tram paths shall not be obstructed and where public safety shall
941 not be adversely affected.
- 942 d. Markers approved by the Town Manager or designee shall be embedded into the
943 property ~~by the applicant~~ to distinguish the approved boundaries of the outside
944 seating area. This requirement may be waived by the Town Manager or
945 designee if the proposed outside seating area is not on or adjacent to any private
946 or public sidewalk, parking or other pedestrian area or the area is otherwise
947 clearly delineated.

948 (5) *Additional regulations for outside seating for a restaurant:*

- 949 a. The outside seating area shall be accessory to and under the same ownership or
950 control as the primary restaurant which is operated within a permanently
951 enclosed building located on the same or adjacent parcel.
- 952 b. There shall be no use, operation, or playing of any musical instrument, loud-
953 speaker, sound amplifier, or other machine or device for the production or
954 reproduction of sound in such a manner as to disturb the peace, quiet, or
955 comfort of the neighboring inhabitants or at any time with louder volume than is
956 otherwise regulated by Chapter 13, Noise, of the Town Code.
- 957 c. Food preparation shall only occur in the fully enclosed area of the licensed
958 primary restaurant.
- 959 d. Hours of operation shall not exceed the hours of operation established for the
960 principal licensed restaurant.
- 961 e. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire
962 resistive material.
- 963 f. No objects shall be permitted around the perimeter of the outside seating area
964 that is occupied by tables and chairs which would have the effect of forming a
965 physical or visual barrier discouraging the use of a sidewalk by the general
966 public.
- 967 g. Additionally, when the outside seating area is visible from a public right-of-
968 way:
- 969 1. No tables, chairs, or any other part of an outside seating area shall be
970 permanently attached, chained, or in any manner affixed to any tree, post,
971 sign or other fixtures, curb or sidewalk within or near the permitted area.
- 972 2. Tables, chairs, umbrellas, canopies, awnings, and any other objects
973 utilized as part of the outside seating area shall be of quality design,
974 materials, size, elevation and workmanship both to ensure the safety and
975 convenience of users, and to enhance the visual quality of the urban
976 environment. Design, materials and colors shall be approved by the Town
977 Manager or designee prior to the issuance of the permit to allow the
978 outside seating.

979 (6) Prior to issuance of a permit for outside seating, the Town Clerk shall certify that
980 there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town
981 by the current or past owners or operators of the property requesting a permit for
982 outside seating. A permit to allow outside seating will not be issued until all
983 outstanding debts to the Town are paid in full.

984 (7) Any primary restaurant which obtains a permit to have outside seating as an
985 accessory use to the primary restaurant, pursuant to [sub)section 30-261(1) and (6)
986 may redesign the face of their establishment to allow for doors or panels that permit
987 the establishment to have open sides allowing for an indoor/outside restaurant design.
988 Any proposed alterations, modifications or changes to the building shall require the
989 issuance of a building permit, compliance with the Town Code and payment in full of
990 all applicable fees.

991 (i) Specific conditional use requirements.

992 (1) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (c) Convenience store
993 criteria.]

994 (2) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (m) Marina Uses.]

995 (3)⁹ Mixed use requirements development. The following provisions govern applications
996 for approval of the conditional use of "mixed use," development as a conditional use
997 in the B-1 district.~~a vertical mix of neighborhood-serving B-1 uses and residential~~
998 ~~uses within the same building in locations fronting on Commercial Boulevard and~~
999 ~~west of State Road A1A.~~

1000 a. Purpose. The purpose of encouraging mixed use development ~~on Commercial~~
1001 ~~Boulevard~~ is to:

- 1002 1. Accommodate mixed-use buildings with neighborhood-serving retail,
1003 service, and other commercial uses on the ground floor, and residential
1004 units above the nonresidential space;
- 1005 2. Encourage development that exhibits the physical design characteristics of
1006 pedestrian-oriented, storefront-style shopping streets; and
- 1007 3. Promote the health and well-being of residents by encouraging physical
1008 activity, alternative transportation, and greater social interaction.

1009 b. ~~Definitions.~~ For purposes of this section, the following definitions shall apply:

- 1010 1. ~~"Live/work units" means a type of mixed use development that combines~~
1011 ~~non-residential uses in the same structure as a dwelling unit occupied by~~
1012 ~~the business owner, which reduces trip generation, provides for affordable~~
1013 ~~and diverse housing options in the Town, incubates new businesses and~~
1014 ~~provides for the needs of unique businesses such as art galleries and~~
1015 ~~studios.~~

⁹ This section was relocated from subsection (f). Changes shown are from the original text. Additions to the original text are shown in underline and deletions are shown in ~~strikethrough~~.

- 1016 2. ~~"Live/work space" means the residential dwelling unit and related non-~~
1017 ~~residential uses conducted above the ground floor of a live/work unit.~~
- 1018 3. ~~"Mixed use building" means a building that contains at least one floor~~
1019 ~~devoted to non-residential use and at least one devoted to allowed~~
1020 ~~residential uses.~~
- 1021 4. ~~"Non-residential use" means neighborhood-serving retail, service,~~
1022 ~~commercial or other uses allowed in the B-1 zoning district, excluding~~
1023 ~~residential uses.~~
- 1024 5. ~~"Work/sales space" means the non-residential uses on the ground floor of~~
1025 ~~a live/work unit.~~

1026 be. *Mixed use development on commercially designated parcels.* The Town may
1027 approve a conditional use for mixed use development on B-1 zoned property
1028 when the property has a commercial land use designation in the Broward
1029 County Land Use Plan, if all of the following requirements are met:

- 1030 1. ~~Approval is obtained of an allocation of available f~~Flexibility units are
1031 available, in accordance with section 30-100, Flexibility rules of the Town
1032 Code; and
- 1033 2. The number of units and floor area limitations of this section are satisfied
1034 for the residential uses; and;
- 1035 3. The property is located within 250 feet of Commercial Boulevard
1036 measured by airline measurement from the Commercial Boulevard right-
1037 of-way line. If any portion of a property lies within the 250 foot
1038 measurement, the whole property shall be eligible for mixed use
1039 development.
- 1040 3. ~~Non-residential uses, as defined herein, are limited to the floor(s) below~~
1041 ~~the residential uses;~~
- 1042 4. ~~The property fronts on Commercial Boulevard, and is located west of~~
1043 ~~State Road A1A;~~
- 1044 5. ~~A major site plan modification or a site plan approval is obtained; and~~
- 1045 6. ~~A conditional use approval is obtained.~~

1046 d. ~~Permitted uses.~~

- 1047 1. ~~On the ground floor:~~
- 1048 i. ~~Work/sales space in a live/work unit.~~
- 1049 ii. ~~Non-residential use.~~
- 1050 2. ~~Above the ground floor:~~
- 1051 i. ~~Live/work space in a live/work unit.~~
- 1052 ii. ~~Dwelling units.~~

1053 ce. *Limitations on residential uses.*

1. Maximum number of units. No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.
2. Limitations on location of uses.
 - i. Non-residential use or space is prohibited on or above any floor which contains any residential use or space.
 - ii. Residential use or space is prohibited on the ground floor.
3. Floor area and lot coverage.
 - i. The residential floor area of the mixed use development does shall not exceed 50 percent of the gross floor area of the building.
 - ii. No building which includes residential uses shall occupy an area greater than 70 percent of the entire lot.
 - iii. The required lot area per apartment or kitchen unit shall be not less than 800 square feet. The required floor area per apartment of kitchen unit shall not be less than 250 square feet minimum.
 - iv. The required floor area for a hotel room shall not be less than 200 square feet.
3. Affidavit of Understanding. Residential uses located east of A1A must include an affidavit of understanding, in a form acceptable to the Town Attorney regarding special event activity, street closures and noise ordinance waivers that periodically takes place downtown.
4. Lease notice requirement. Residential uses east of State Road A1A must include the following notice to all tenants in all leases and contracts:

This Unit is located in the core of downtown Lauderdale-By-The-Sea. Special event activities periodically take place in this area on the streets directly below this unit. On any given occasion, street closures may take place and the noise ordinance may be waived. Such circumstances and inconveniences are accepted as part of this agreement.
5. Rental Restrictions. Dwelling units that are used for rental purposes shall be limited as follows:
 - i. On properties with less than four dwelling units, short term rentals are permitted as an accessory use if a rental certificate is first obtained pursuant to section 30-327; or
 - ii. On properties located west of Seagrape Drive with more than four dwelling units, a minimum residency of 120 consecutive days is required.

d.f. Parking requirements.

1. The total number of required off-street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately.
 2. A minimum of one parking space per residential unit must be provided on-site.
 3. For a unit that combines both residential and nonresidential uses, live/work mixed use development, the total required parking will be equal to the parking required for the nonresidential use only. See sections 30-314 through [30-]324 regarding off-street parking.
- eg. Landscaping and open space requirements.* Mixed use developments shall be required to meet the vehicular use area requirements as provided in Article VII, Landscape Code, of Chapter 30, Unified Land Development Regulations, for the non-residential uses only.
- ~~(8) Town approvals required for mixed use development.~~
- ~~a. Conditional use. A conditional use shall be obtained in accordance with the requirements of section 30-126 of the Town Code. As part of the conditional use review, the Town Commission shall verify that section 30-100, Flexibility rules of the Town Code, has been satisfied for the allocation of flexibility units.~~
 - ~~b. Site plan. Either a major Level 1 site plan modification shall be obtained in accordance with section 30-123, or a site plan approval shall be obtained pursuant to article IV, Development Permits – Application, Requirements and Review Procedures, division 2, Site Plan Procedures and Requirements, of the Town Code.~~
- (4) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (n) Paid Private Parking.]
- (5) Call Center Requirements. The following provisions govern applications for approval of call centers as a conditional use in the B-1 district.
- a. The applicant for a call center conditional use shall provide to the Town an operational plan containing information needed to assess the potential impact on parking and traffic, including the number of employees, a shift schedule including the maximum number of employees arriving from and leaving the call center during the shift change and any steps that may be proposed for mitigating parking and/or traffic impacts. Examples of mitigation measures include shifts schedules to avoid arriving and leaving at peak traffic hours, and providing incentives for employees using public transportation or ridesharing arrangements.
 - b. If determined by the DSD to be necessary, submittal of a traffic impact statement and/or parking study may be required to ensure that adequate parking will be available. If such traffic statement or parking study is required, the

1132 applicant shall be responsible for any costs incurred by the Town in reviewing
1133 such statement or study.

1134 * * *

1135 **SECTION 4.** Chapter 30, Unified Land Development Regulations of the Code of
1136 Ordinances, Article V, Zoning, Division 2, Districts, Subdivision L, Supplemental Regulations,
1137 is hereby amended as follows:

1138 **Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS**

1139 * * *

1140 **ARTICLE V. – ZONING**

1141 * * *

1142 **DIVISION 2. - DISTRICTS**

1143 * * *

1144 **Subdivision L. – Supplemental Regulations**

1145 * * *

1146 **Sec. 30-313. – General Provisions.**

1147 * * *

1148 ¹⁰(j) ~~Reserved.~~ Capacity restrictions.

1149 (1) All businesses shall provide adequate indoor seating for their customers, clients,
1150 patients and business invitees.

1151 (2) Except for customers seated in approved sidewalk café areas, customers, clients,
1152 patients or business invitees shall not be directed, encouraged or allowed to stand, sit
1153 (including in a parked car for any period of time longer than reasonably required for a
1154 person's passenger to conduct their official business and depart), or gather or
1155 wait ~~to enter~~ outside of the building where the business is operating, including in any
1156 parking areas, sidewalks, rights-of-way, or neighboring properties.

1157 (3) Pedestrian queuing at any time, including ~~prior to~~ before or after business hours,
1158 outside of a business' building is prohibited.

1159 ¹¹(k) ~~Reserved.~~ Queuing of vehicles. All businesses shall ensure that there is no queuing of
1160 vehicles in the adjacent rights-of-way, drive aisles of the property's parking lot or on any
1161 adjacent properties;

¹⁰ This subsection (j) has been relocated from section 30-261(h) and 30-271(j).

SECTION 5. Codification.

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

SECTION 6. Severability.

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

SECTION 7. Conflicting Ordinances.

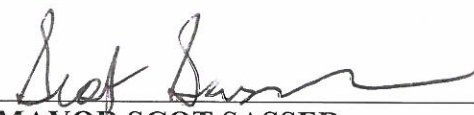
All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 8. Effective Date.

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

Passed on the first reading, this 28th day of February, 2017.

Passed and adopted on the second reading, this 28th day of March, 2017.


MAYOR SCOT SASSER

First Reading

Second Reading

Mayor Sasser

Vice-Mayor Brown

Commissioner Oldaker

Commissioner Sokolow

Commissioner Vincent

Aye

Aye

Aye

Aye

Aye

Aye

Aye

Aye

Aye

Aye

¹¹ This subsection (k) has been relocated from section 30-261(i) and 30-271(k).

1187

1188 ATTEST:

1189

1190

1191

1192 Tedra Allen, Town Clerk

1193

1194 APPROVED AS TO FORM:

1195

1196

1197

1198 Susan L. Trevarthen, Town Attorney

1199



Item No. _____

Agenda Memorandum

Development Services

Department

Linda Connors

Director

COMMISSION MEETING DATE: February 28, 2017

ITEM CATEGORY: Ordinance

SUBJECT TITLE: First Reading: Ordinance 2017-03, Amending the Town's Business District Zoning

EXPLANATION: *Preserve the LBTS Way of Life* is Area 3 of the Town Commission's FY 17-21 Action Plan and *Maintain and improve the walkability of the Town* is Goal 3.3, which is one of the highest priorities for FY17.

As part of Goal 3.3, we evaluated the land development code to see how amend our development regulations to improve the emphasis on walkability when property is developed.

We found many sections of the Code did not encourage walkability and in some cases, actually discouraged it. The proposed Ordinance 2017-03 (**Exhibit 1**) contains our suggestions to improve the code.

The proposed ordinance includes the following eight major changes:

1. Revise height restriction to clarify that the height limits for lots that are less than 50' are limited to two stories and the height limits for all other lots are limited to three story buildings.
2. Prohibit the subdivision of lots to a width less than 25 feet.
3. Prohibit parking constructed after the adoption date of the ordinance along the primary street frontage and require removal to the maximum extent feasible without losing required parking for any redevelopment.
 - Existing buildings that currently have parking in front of the building would be grandfathered, but any new development of the property would require that the buildings be brought up to code to enhance walkability. For purposes of this section, new development is the construction of a brand new building that occurs after the date of this ordinance.



- Moving the buildings closer to the sidewalk makes for a more walkable experience. It also has the added effect of reducing the concerns business owners have about signage being too far from the street and them not having customers walk in front of their stores.

As an example, the SunTrust Building would remain grandfathered; however, if new construction were to occur on the site, the development would be pushed to the street, resulting in storefronts at the sidewalk, which improves the walkability of the street.

This would not affect the buildings in the Commercial Boulevard plazas as they are already built to the property line.

4. Prohibit curb cuts providing access to parking areas on Commercial Boulevard.
5. Require buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets.

It is important that the Town has the regulations in place that help property owners design buildings that are consistent with the Town's desire to support walkability. That means that we need to make sure that new our codes support the "streetwall" concept – in which buildings should be built to the sidewalk (#3, 5 and #6 above) and also require the buildings to be permeable (visible by connecting the building and the sidewalk outside with windows and doors).

6. Add a requirement for architectural diversity and require features that create shade.

Staff is recommending language that requires the building facade on the second or third stories be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 40% of the linear frontage per story above the first, subject to review and approval through the architecture review process.

The Planning and Zoning Board recommended the 40% requirement (staff had suggested 25%). We have incorporated the 40% standard in the proposed ordinance, but we are also suggesting that additional language be added to the requirement that gives the Development Services Director the flexibility to approve an alternate requirement to decrease the standard by 10% upon a finding that the change provides an enhanced Mid-Century Modern façade consistent with the architectural design guidelines.

The Planning and Zoning Board also recommended that the building facades on the first floor incorporate architectural features to create shade on the street. This language is also included in the proposed ordinance.

7. Reduce the front setback requirements in the B1A district and amend the setback requirements in B1 district to require most commercial buildings to be built at the front of the property line.



Currently, the Town code requires a setback of 25' in the B1A district, but the B1 district only requires setbacks from Ocean and Bougainville Drive. Town staff is recommending changing the front setback requirements so that property owners must build to the property line unless fronting Ocean or Bougainville Drives, where the setback requirements will remain 50' from the centerline of Ocean Drive or 25' from the property line fronting Bougainville Drive.

8. Add mixed use regulations in the B1A district and in the B1 district east of North Ocean Drive and expand the distance to “. . . within 250' of Commercial Boulevard.”

The mixed use provisions of the code are fairly limiting as to the locations where residences could be included. We have had no complaints from property owners, residents or neighbors regarding these mixed use properties and so staff is suggesting that the mixed use regulations be amended in the following ways:

1. Allow mixed use in the **B1A** zoning district (See attached zoning map, **Exhibit 2**), and
2. Amend the regulations on mixed use development in the **B1** district as follows:
 - a. Relocate definitions related to mixed use development to 30-11 Definitions;
 - b. *Change the current requirement of allowing only those properties fronting Commercial Boulevard and located west of A1A to allow qualifying properties in the B-1 district within 250' of Commercial Boulevard;*
 - c. Clarify that non-residential is required on the ground floor and cannot be located above a residential floor;
 - d. Relocate current restrictions on lot coverage and floor area;
 - e. Require an affidavit of understanding for those units located east of A1A that notifies a tenant that the unit is located in an area where special event activities take place; and
 - f. Require a minimum of one parking space per residential unit to be provided on site.
 - g. *Prohibit short term rental on buildings with 4 or more units; with buildings that have less than 4 units, short term rental is allowed*

The Planning and Zoning Board reviewed the proposed ordinance and recommended approval with some revisions that are discussed in the narrative above. Those items that are in italics were changes made since the Planning and Zoning Board meeting. The reasons for these changes are explained in the narrative below. In addition, there are also items included in the ordinance since the Planning and Zoning Board meeting that are explained below. The amended ordinance is scheduled on the Planning and Zoning Board's March 1st meeting so that they can review these proposed changes.

1. *Allow mixed use within 250' of Commercial Blvd.* An additional amendment to limit the mixed use to within 250 feet of Commercial Boulevard. The amendment is being suggested to limit the mixed use areas to those properties that are in close proximity to Commercial Boulevard. This distance requirement includes those commercial buildings that do not currently front Commercial Boulevard, but already have an established residential component.



2. *Prohibit short term rental on buildings with 4 or more units; allow short term with buildings that have less than 4 units.* Staff presented an ordinance that required short term rental in mixed use buildings east of Ocean Drive. The Planning and Zoning Board wanted to prohibit short term rental in this area; however, the Town Attorney's Office advises that the state limits municipalities' ability to regulate short term rentals and since we had not prohibited short term rentals in mixed use districts previously, we are not able to include the prohibition in the proposed ordinance. Therefore, the amendment is written to follow the state regulations.
3. A definition for short term rental. This definition is recognized by the State of Florida and will also serve the upcoming vacation rental regulation amendments.
4. Added call center as a conditional use and included definition of call center.
5. Made changes to clarify the requirements for parking frontage requirements and setback requirements.

Possible Future Change: The existing town code limits buildings that included a residential component to covering no more than 70% of the entire lot. The requirement is on line 1063 of the proposed Ordinance. It is underlined so it appears like a new requirement but is being transferred to this section. We are current researching the impact of this requirement on properties on Commercial and will report to the Commission at second reading if a change is in order to allow mixed use development.

RECOMMENDATION: Staff recommends approval of the attached ordinance on first reading. Second reading will be scheduled for March 28, 2017.

Exhibits: 1. Ordinance 2017-03
2. Planning and Zoning Board Staff Report
3. Planning and Zoning Board Minutes

Reviewed by Town Attorney:

☒	Yes	☐	No
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ORDINANCE 2017-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE II, “DEVELOPMENT REVIEW” TO REVISE FLEXIBILITY RULES FOR RESIDENTIAL UNITS ON PROPERTIES DESIGNATED FOR COMMERCIAL LAND USE; AND BY AMENDING THE BUSINESS DISTRICTS TO REVISE DEVELOPMENT REQUIREMENTS, REORGANIZE THE SECTIONS, ADD NEW CONDITIONAL USES, ADDRESS REQUIREMENTS FOR MIXED USE DEVELOPMENT AND MOVE RELEVANT SUBSECTIONS TO SECTION 30-11, “DEFINITIONS” AND SECTION 30-313, “GENERAL PROVISIONS”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

4 **WHEREAS**, the Town desires to provide the flexibility to allow mixed use development
5 in certain portions of the B-1 and B-1-A, Business Zoning Districts; and

6 **WHEREAS**, the Town recognizes that call centers generate a unique level and type of
7 activity and should be regulated as conditional uses to ensure that if allowed, the use can be
8 adequately accommodated without generating adverse impacts on services and land uses within
9 the immediate vicinity; and

10

Exhibit 1

11 **WHEREAS**, the Town Commission has determined that it is in the best interests of the
12 citizenry and general public to provide appropriate zoning regulations for mixed use
13 development to ensure that the location and development standards are compatible with
14 surrounding businesses and consistent with the Comprehensive Plan; and

15 **WHEREAS**, the Town desires to reorganize conditional use requirements in the business
16 districts for consistency and ease of reference; and

17 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
18 reviewed the contents of this Ordinance at a duly noticed public hearing on December 15, 2016,
19 and recommended approval of the amendments with certain revisions that have been
20 incorporated into this ordinance; and

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

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

28 **SECTION 1. Recitals.** The preceding "Whereas" clauses are ratified and incorporated
29 as the legislative intent of this Ordinance.¹

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

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Exhibit 1

SECTION 2. Amendment. Chapter 30, Unified Land Development Regulations of the Code of Ordinances, Article I, In General, Division 1, Introduction, is hereby amended as follows:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE I. – IN GENERAL

* * *

DIVISION 1. - INTRODUCTION

* * *

Sec. 30-11. - Definitions.

* * *

(c) *Abbreviations and definitions.*

* * *

(2) *Terms defined.*

Call center. A centralized business office with more than four employees, which office is used for the purpose of receiving and transmitting requests by telephone or operated by a company to administer incoming product support or information inquiries from consumers. Includes incoming or outgoing calls for, but not limited to, telemarketing, clientele, product services and debt collection.

* * *

Mixed-use building. A multistory building, with at a minimum, the ground floor devoted to non-residential use(s) and one additional floor devoted to residential use(s).

* * *

Non-residential use. Neighborhood-serving retail, service, commercial or other uses allowed in the relevant zoning district, excluding residential uses.

* * *

Short Term Rental. Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is

Exhibit 1

advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project, where such unit or units are in:

- a. a duplex/two-family dwelling;
- b. a multifamily dwelling of 3 or 4 dwelling units; or
- c. a mixed use development with 1 to 4 dwelling units.

* * *

Storefront. The street-level portion of a business building front that includes display window(s) or transparent entrance(s). The detailing and proportions distinguish the design of a storefront from the appearance of the upper portions of the building.

* * *

SECTION 2. Amendment. Chapter 30, Unified Land Development Regulations of the Code of Ordinances, Article II, Development Review, Division 3, Flexibility Rules, is hereby amended as follows:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE II. – DEVELOPMENT REVIEW

* * *

DIVISION 3. – Flexibility Rules

Sec. 30-100. - Flexibility rules.

- (a) Flexibility rules allow the Town to revise and rearrange land uses within a flexibility zone and allow the development of residential dwelling units on properties designated for commercial land use in the Broward County Land Use Plan, without requiring an amendment to that designation.

(1) Definitions.

- a. *Flexibility zones:* Flexibility zones are fixed geographic areas within the Town, designated on the Broward County Land Use Plan, which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the Town's comprehensive plan.
- b. *Flexibility units:* Flexibility units are the total number of additional residential dwelling units permitted by the Broward County Land Use Plan above the total

Exhibit 1

number of dwelling units allowed within the same flexibility zone by the Town's comprehensive plan.

(2) *Determination of available flexibility units.* The Town Manager or designee shall maintain a log of the number of available flexibility units in each flexibility zone, the number of flexibility units assigned to parcels within each zone and within the Town, and the reason for assigning flexibility units to a parcel.

(3) *Assignment of flexibility units.* If a sufficient number of flexibility units are available, the Town may allocate flexibility units for mixed use development in the B-1 or B-1-A zoning district, as provided in sections 30-261 and 30-271(g). ~~Mixed-use development~~, provided that the County's flexibility rules and regulations are met and all other applicable requirements of chapter 30 of the Code are met.

SECTION 3. Amendment. Chapter 30, Unified Land Development Regulations of the

Code of Ordinances, Article V, Zoning, Division 2, Districts, is hereby amended as follows:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE V. – ZONING

* * *

DIVISION 2. - DISTRICTS

* * *

Subdivision G. - B-1-A District Regulations

* * *

Sec. 30-261. - B-1-A district—Business.

(a) *B-1-A uses permitted.*

* * *

(2) *Conditional uses.* The following conditional uses may be permitted upon approval pursuant to the conditional use procedures of this Code:

* * *

e. Convenience store, subject to the requirements as set forth in subsection (i), below.

* * *

Exhibit 1

h. Medical marijuana retail center, subject to the requirements as set forth in subsection (ik) below.

i. Mixed Use, subject to the requirements as set forth in subsection (i) below.

ji. "Paid private parking" on parcels with a primary use, excluding standalone parking lots, subject to the requirements as set forth in subsection (il) below.

[NOTE TO CODIFIER, please reletter remainder of section accordingly]

* * *

(b) *Height.* No building shall be erected to a height greater than two stories on ~~single 25-foot~~ lots ~~less than 50 feet in width~~, nor greater than three stories on ~~any other 50-foot~~ lots. Lots which are adjacent may be combined and developed as one parcel, and may utilize the wider lot height restrictions if a joinder of the lots under a unity of title or covenant-in-lieu is provided in a form acceptable to the Town Attorney.

(c) *Lot coverageAreas.* ~~No building which is used for residence purposes above the ground floor shall occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall be not less than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for residential purposes shall not occupy more than 90 percent of the lot area.~~

(d) *Design.*

(1) Construction shall be limited to one building on ~~B-1-A~~ lots that are 50 feet or less in width.

(2) All ~~business~~ buildings ~~constructed in a business district~~ shall be of C.B.S. construction, and shall be designed with every practical consideration for appearance, fire protection, health, light, air. All plans and specifications of the building shall be approved by the Town Building Inspector. The Building Inspector need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically prohibited in ~~B-1-A~~ districts and there shall be a maximum opening of ten feet by ten feet for doorways in each ~~business building.~~

(3) No parking spaces constructed after [THE EFFECTIVE DATE OF THIS ORDINANCE] shall be located along the primary street frontage and to the maximum extent feasible without losing required parking, as determined by the DSD, existing parking along the primary street frontage shall be removed from the primary street frontage for any redevelopment.

(4) Curbcuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial Boulevard, or it is determined based on a traffic study that access from Commercial Boulevard is necessary for safe and efficient vehicular and pedestrian circulation.

(5) Each structure shall have its own sustaining walls; party walls are prohibited.

Exhibit 1

- (6) There shall be at least one front entrance and one rear entrance to buildings.
- (7) There must be a ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.
- (8) Building facades on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 40% of the linear frontage per story above the first. The DSD shall review and approve compliance with this criteria through the architectural review process, and may decrease the 40% standard by 10% if the DSD finds that such a change enhances the mid-century modern façade and remains consistent with the architectural design guidelines.
- (9) Building facades on the majority of the length of the first floor must incorporate architectural features such as eyebrows, awnings, canopies or other artistic and architectural features to create shade.

²(e) ~~Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:~~

- (1) ~~Permit required. It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.~~
- (2) ~~Permit fee. A permit fee shall be established by resolution of the Town Commission.~~
- (3) ~~Permit application. Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:~~
- ~~a. Name, address and telephone number of the applicant.~~
 - ~~b. Name and address of business.~~
 - ~~c. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.~~
 - ~~d. An eight and one-half inches × 11 inches drawing at a minimum scale of one inch equals 20 feet showing the following:~~
 - ~~1. The store front and all openings (doors, windows);~~
 - ~~2. The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;~~
 - ~~3. Clear delineation of the boundary between private property and the public right-of-way;~~

² This section has been moved to subsection (h). Changes from the original text are shown in that new location in strikethrough and underline.

Exhibit 1

- 208 4. ~~The location of tables and chairs complying with the Americans with~~
209 ~~Disabilities Act (ADA) standards.~~
- 210 e. ~~When the outside seating is visible from a public right-of-way, the~~
211 ~~application shall also include:~~
- 212 1. ~~Photographs and/or manufacturer brochures fully describing the~~
213 ~~appearance of all proposed chairs, tables, umbrellas and other private~~
214 ~~features, including but not limited to lighting to be used in the proposed~~
215 ~~outside seating area.~~
- 216 2. ~~A trash management and maintenance plan for the outside seating area,~~
217 ~~which shall include a plan for pickup and disposal of any trash or food~~
218 ~~on or around the tables and chairs or sidewalk, and periodic pressure~~
219 ~~cleaning of the area used for outside seating. This plan shall ensure that~~
220 ~~the outside seating area is maintained in a neat and orderly appearance~~
221 ~~at all times and the area shall be cleared of all debris on a periodic basis~~
222 ~~during the day and at the close of each business day to ensure a healthy~~
223 ~~and safe environment.~~
- 224 f. ~~Written consent from the building owner for the proposed outside seating~~
225 ~~area.~~
- 226 g. ~~In the event the outside seating area is proposed in front of an adjacent~~
227 ~~owner's property, the applicant must provide written consent from the~~
228 ~~adjacent property owner for use of this area.~~
- 229 h. ~~Non-refundable application fee.~~
- 230 i. ~~Applications shall be reviewed for compliance with the Town Code and may~~
231 ~~be approved by the Town Manager or designee.~~
- 232 j. ~~The Town Manager or designee may deny an application that does not~~
233 ~~comply with this section. Such denials shall be written and shall provide the~~
234 ~~reasons for the denial. The applicant or any property owner whose property~~
235 ~~directly abuts the property which is the subject matter of the application may~~
236 ~~appeal the Town Manager or designee's decision to the Town Commission.~~
- 237 (4) ~~Location requirements. The location of an outside seating area for a restaurant shall~~
238 ~~be subject to the following locational regulations:~~
- 239 a. ~~An outside seating area shall only be permitted on private property that is:~~
- 240 1. ~~Adjacent to a licensed restaurant business to which the permit is issued;~~
241 ~~or~~
- 242 2. ~~Adjacent to another licensed business that is located within the same~~
243 ~~building as the licensed restaurant business to which a permit is issued.~~
- 244 b. ~~Tables and chairs shall not be located within a ten-foot proximity of bus~~
245 ~~stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap~~
246 ~~ramp.~~
- 247 c. ~~The Town Manager or designee may permit an exception to the distance~~
248 ~~requirement of subsection b. [above] from ten feet to five feet where~~
249 ~~established pedestrian and tram paths shall not be obstructed and where~~
250 ~~public safety shall not be adversely affected.~~

Exhibit 1

- d. — ~~Markers approved by the Town Manager or designee shall be embedded into the property by the applicant to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area.~~
- (5) — ~~Additional regulations for outside seating for a restaurant:~~
- a. — ~~The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.~~
- b. — ~~There shall be no use, operation, or playing of any musical instrument, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13, Noise, of the Town Code.~~
- c. — ~~Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.~~
- d. — ~~Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.~~
- e. — ~~All fabrics shall be fire retardant, pressure-treated or manufactured of fire resistive material.~~
- f. — ~~No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.~~
- g. — ~~Additionally, when the outside seating area is visible from a public right-of-way:~~
1. — ~~No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.~~
2. — ~~Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating area.~~
- (6) — ~~Prior to issuance of a permit for an outside seating area, 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 requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.~~
- (7) — ~~Any primary restaurant which obtains a permit to have outside seating as an accessory use to a primary restaurant, pursuant to [sub]section 30-261(1) and (6)~~

Exhibit 1

may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.

[(f) NOTE TO CODIFIER, please move this current subsection (f) *Convenience store criteria* to subsection (1) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

* * *

(eg) *Setbacks.*

(1) Front setback. ~~No building or any part thereof shall be erected on any lot closer than 25 feet to the front lot line. No new building after [THE EFFECTIVE DATE OF THIS ORDINANCE] shall have a front setback, except those erected on Bougainvillea Drive which shall have a front setback of 25 feet from property line.~~

(2) Rear setback. No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line.

(3) Side setbacks. No side setbacks are required.

(4) Roof cornice setbacks. ~~Roof cornices constructed of fire-resistive materials, if ten feet or more above the sidewalk, may project over the public street not more than three feet, but shall never be closer than provided they are set back a minimum of two feet, measured from the curblin. The construction and anchorage of all such projections shall be subject to the approval of the Building Inspector and may be created only upon a permit issued by the Building Inspector.~~

~~(5) Exterior balconies. Fixed exterior balconies shall be designed in accordance with the engineering section of the Town's building code, and shall be supported in an approved manner and the framework shall be of steel, iron, reinforced concrete or other incombustible material. Such exterior balconies shall be at least ten feet in the clear between the lowest point of any projection and the sidewalk immediately below, and shall extend not more than three feet from the building, but shall never be closer than two feet measured from the curblin. Exterior balconies shall not support any enclosure or structures with roof above.~~

³(h) ~~Loitering.~~

(1) ~~All businesses shall provide adequate indoor seating for their customers, clients, patients and business invitees.~~

³ Subsections (h) and (i) have been relocated, to subsection 30-313(j) and (k) respectively.

Exhibit 1

~~(2) Except for customers seated in approved sidewalk café areas, customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the business is operating, including in any parking areas, sidewalks, rights of way, or neighboring properties.~~

~~(3) Pedestrian queuing or loitering at any time, including prior to business hours, outside of the business' building is prohibited.~~

~~(i) *Queuing of vehicles.* All businesses shall ensure that there is no queuing of vehicles in the adjacent rights of way, drive aisles of the property's parking lot or on any adjacent properties.~~

~~(fj) *No drive-through or outdoor service.* Drive-through, drive-in or drive-up services or related service aisles are prohibited. Except as permitted in the operation of an approved sidewalk cafe or outdoor dining area, all business transactions including payment and receipt of merchandise shall occur inside the building.~~

~~(g) *Lot subdivision.* Subdivision of lots to a width less than 25 feet is not permitted.~~

⁴(h) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:

(1) *Permit required.* It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

(2) *Permit fee.* A permit fee shall be established by resolution of the Town Commission.

(3) *Permit application.* Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:

a. Name, address and telephone number of the applicant.

b. Name and address of business.

c. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.

d. An 8 ½ ~~eight and one-half inches~~ × 11 inches drawing or larger at a minimum scale of one inch equals 20 feet showing the following:

1. The store front and all openings (doors, windows);

2. The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed

⁴ This subsection (h) has been relocated from subsection (e). Changes are shown from the original text. Additions to the original text are shown in underline and deletions are shown in ~~strikethrough~~.

Exhibit 1

- location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;
3. Clear delineation of the boundary between private property and the public right-of-way;
 4. The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.
- e. When the outside seating is visible from a public right-of-way, the application shall also include:
1. Photographs and/or manufacturer brochures fully describing the appearance of all proposed chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed outside seating area.
 2. A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating. This plan shall ensure that the outside seating area is maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and at the close of each business day to ensure a healthy and safe environment.
- f. Written consent from the building owner for the proposed outside seating area.
- g. In the event the outside seating area is proposed in front of an adjacent owner's property, the applicant must provide written consent from the adjacent property owner for use of this area.
- h. Non-refundable application fee.
- i. Applications shall be reviewed for compliance with the Town Code and may be approved by the Town Manager or designee.
- j. The Town Manager or designee may deny an application that does not comply with this section. Such denials shall be written and shall provide the reasons for the denial. The applicant or any property owner whose property directly abuts the property which is the subject matter of the application may appeal the Town Manager or designee's decision to the Town Commission.
- (4) Location requirements. The location of an outside seating area for a restaurant shall be subject to the following locational regulations:
- a. An outside seating area shall only be permitted on private property that is:
 - ~~1. Adjacent to a licensed restaurant business to which the permit is issued;~~
 - ~~or~~
 - ~~2. Adjacent to another licensed business that is located within the same building as the licensed restaurant business to which a permit is issued.~~
 - b. Tables and chairs shall not be located within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
 - c. The Town Manager or designee may permit an exception to the distance requirement of subsection b. [above] from ten feet to five feet where established

Exhibit 1

pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.

- d. Markers approved by the Town Manager or designee shall be embedded into the property ~~by the applicant~~ to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area of the area is otherwise clearly delineated.

(5) Additional regulations for outside seating for a restaurant:

- a. The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.
- b. There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13, Noise, of the Town Code.
- c. Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.
- d. Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.
- e. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.
- f. No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.
- g. Additionally, when the outside seating area is visible from a public right-of-way:
 - 1. No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 - 2. Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating area.

- (6) Prior to issuance of a permit for an outside seating area, 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 requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.

Exhibit 1

- (7) Any primary restaurant which obtains a permit to have outside seating as an accessory use to a primary restaurant, pursuant to [sub)section 30-261(1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.

(i) Specific conditional use criteria.

(1) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (f) Convenience store criteria.]

(2) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (k) Medical Marijuana requirements.]

(3) Mixed Use requirements. The following provisions govern applications for approval of "mixed use" development as a conditional use in the B-1-A district.

a. Purpose. The purpose of encouraging mixed use development is to:

1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the nonresidential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

b. Mixed use development on commercially designated parcels. The Town may approve a conditional use for mixed use development on B-1-A zoned property when the property has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:

1. Flexibility units are available, in accordance with section 30-100, Flexibility rules of the Town Code; and
2. The number of units and floor area limitations of this section are satisfied for the residential uses.

c. Limitations on residential uses.

1. Maximum number of units. No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.
2. Limitations on location of uses.
 - i. Non-residential use or space is prohibited on or above any floor which contains any residential use or space.
 - ii. Residential use or space is prohibited on the ground floor.

Exhibit 1

3. Floor area and lot coverage.

- i. The residential floor area of the mixed use development shall not exceed 50 percent of the gross floor area of the building.
- ii. No building which includes residential uses shall occupy an area greater than 70 percent of the entire lot.
- iii. The required lot area per apartment or kitchen unit shall be not less than 800 square feet. The required floor area per apartment or kitchen unit shall not be less than 250 square feet minimum.
- iv. The required floor area for a hotel room shall not be less than 200 square feet.

4. Use. Dwelling units that are used for rental purposes shall be limited as follows:

- i. On properties with less than four dwelling units, short term rentals are permitted as an accessory use if a rental certificate is first obtained pursuant to section 30-327; or
- ii. On properties with more than four dwelling units, a minimum residency of 120 consecutive days is required.

d. Parking requirements.

- 1. The total number of required off-street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately.
- 2. A minimum of one parking space per residential unit must be provided on-site.
- 3. For a unit that includes both residential and non-residential uses, the total required parking will be equal to the parking required for the nonresidential use only. See sections 30-314 through 30-324 regarding off-street parking.

e. Landscaping and open space requirements. Mixed use developments shall be required to meet the vehicular use area requirements as provided in Article VII, Landscape Code, of Chapter 30, Unified Land Development Regulations, for non-residential uses.

(4) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (l) Paid Private Parking requirements.]

(k) NOTE TO CODIFIER, PLEASE MOVE THIS CURRENT SUBSECTION (k) *Medical Marijuana requirements* to subsection (2) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

* * *

Exhibit 1

(l) NOTE TO CODIFIER, PLEASE MOVE THIS CURRENT SUBSECTION (l) regarding Paid Private Parking requirements to subsection (4) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

* * *

Subdivision H. - B-1 District Regulations

Sec. 30-271. - B-1 district—Business.

(a) *B-1 uses permitted.*

* * *

(2) Conditional uses. The following conditional uses may be permitted upon approval pursuant to the conditional use procedures of this Code:

a. Bicycle taxi (no outside storage or display).

b. Call center, subject to the requirements as set forth in subsection (i), below.

c. Car wash/outdoor hand wash.

d. Charter and sightseeing boat.

e. Child and adult day-care centers.

f. Convenience store, subject to the requirements as set forth in subsection (i), below.

g. Drive-through services that are accessory to a primary use, provided that any approval of the drive-through use by the Town Commission shall specifically establish the location and traffic flow pattern of the drive-through.

h. Dry cleaner.

i. Marina, subject to the requirements as set forth in subsection (i) below.

j. Mixed use, subject to the requirements as set forth in subsection (i) below.

k. "Paid private parking" on parcels with a primary use, excluding standalone parking lots subject to the requirements as set forth in subsection (i) below.

[NOTE TO CODIFIER, please reletter remainder of section accordingly]

* * *

⁵(b) ~~Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:~~

(1) ~~Permit required. It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the~~

⁵ Subsection (c) Outside seating for restaurants, has been relocated to subsection (h). Changes from the original text are shown in that new location in strikethrough and underline.

Exhibit 1

Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

~~(2) Permit fee. The fee for a permit for outside seating for a restaurant shall be as established by resolution of the Town Commission.~~

~~(3) Permit application. Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:~~

~~a. Name, address and telephone number of the applicant.~~

~~b. Name and address of business.~~

~~c. A copy of a valid Town of Lauderdale By The Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.~~

~~d. An eight and one-half inches times; 11 inches drawing at a minimum scale of one inch equals 20 feet showing the following:~~

~~1. The store front and all openings (doors, windows).~~

~~2. The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;~~

~~3. Clear delineation of the boundary between private property and the public right of way;~~

~~4. The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.~~

~~e. When the outside seating area is visible from a public right of way, the application shall also include:~~

~~1. Photographs and/or manufacturer brochures fully describing the appearance of all proposed chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed outside seating area.~~

~~2. A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating area. This plan shall ensure that the outside seating area is maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and at the close of each business day to ensure a healthy and safe environment.~~

~~f. Written consent from the building owner for the proposed outside seating area.~~

~~g. In the event the outside seating area is proposed in front of an adjacent owner's property, the applicant must provide written consent from the adjacent property owner for use of this area.~~

~~h. Non-refundable application fee.~~

Exhibit 1

i. ~~Applications shall be reviewed for compliance with the Town Code and may be approved by the Town Manager or designee.~~

j. ~~The Town Manager or designee may deny an application that does not comply with this section. Such denials shall be written and shall provide the reasons for the denial. The applicant or any property owner whose property directly abuts the property which is the subject matter of the application may appeal the Town Manager or designee's decision to the Town Commission.~~

~~(4) Location requirements. The location of an outside seating area for a restaurant shall be subject to the following locational regulations:~~

a. ~~An outside seating area shall only be permitted on private property that is:~~

1. ~~Adjacent to a licensed restaurant business to which the permit is issued; or~~

2. ~~Adjacent to another licensed business that is located within the same building as the licensed restaurant business to which a permit is issued.~~

b. ~~Tables and chairs shall not be permitted within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.~~

c. ~~The Town Manager or designee may permit an exception to the distance requirement of subsection b. [above] from ten feet to five feet where established pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.~~

d. ~~Markers approved by the Town Manager or designee shall be embedded into the property by the applicant to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area.~~

~~(5) Additional regulations for outside seating for a restaurant:~~

a. ~~The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.~~

b. ~~There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13, Noise, of the Town Code.~~

c. ~~Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.~~

d. ~~Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.~~

e. ~~All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.~~

Exhibit 1

f. ~~No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.~~

g. ~~Additionally, when the outside seating area is visible from a public right of way:~~

1. ~~No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.~~

2. ~~Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating.~~

(6) ~~Prior to issuance of a permit for outside seating, 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 requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.~~

(7) ~~Any primary restaurant which obtains a permit to have outside seating as an accessory use to the primary restaurant, pursuant to [sub]section 30-261(1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.~~

[(c) NOTE TO CODIFIER, please move this current subsection (c) *Convenience store criteria* to subsection (1) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

(bd) *Height*. No building shall be erected to a height greater than two stories on single 25-foot lots less than 50 feet in width, nor greater than three stories on any other 50-foot lots. Lots which are adjacent may be combined and developed as one parcel, and may utilize the wider lot height restrictions if a joinder of the lots under a unity of title or covenant-in-lieu is provided in a form acceptable to the Town Attorney.

(ce) *Lot coverage. Areas*. ~~No building which is used for residence purposes above the ground floor shall occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall not be less than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for residential purposes shall not occupy no more than 90 percent of the lot area.~~

Exhibit 1

⁶(f) ~~Mixed use development.~~ The following provisions govern applications for the conditional use of "mixed use," a vertical mix of neighborhood-serving B-1 uses and residential uses within the same building, in locations fronting on Commercial Boulevard and west of State Road A1A.

(1) ~~Purpose.~~ The purpose of encouraging mixed use development on Commercial Boulevard is to:

- a. ~~Accommodate mixed use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the nonresidential space;~~
- b. ~~Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and~~
- c. ~~Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.~~

(2) ~~Definitions.~~ For purposes of this section, the following definitions shall apply.

- a. ~~"Live/work units" means a type of mixed use development that combines non-residential uses in the same structure as a dwelling unit occupied by the business owner, which reduces trip generation, provides for affordable and diverse housing options in the Town, incubates new businesses and provides for the needs of unique businesses such as art galleries and studios.~~
- b. ~~"Live/work space" means the residential dwelling unit and related non-residential uses conducted above the ground floor of a live/work unit.~~
- c. ~~"Mixed use building" means a building that contains at least one floor devoted to non-residential use and at least one devoted to allowed residential uses.~~
- d. ~~"Non-residential use" means neighborhood-serving retail, service, commercial or other uses allowed in the B-1 zoning district, excluding residential uses.~~
- e. ~~"Work/sales space" means the non-residential uses on the ground floor of a live/work unit.~~

(3) ~~Mixed use development on commercially designated parcels.~~ The Town may approve a conditional use for mixed use development on B-1 zoned property when the property has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:

- a. ~~Approval is obtained of an allocation of available flexibility units, in accordance with section 30-100, Flexibility rules of the Town Code;~~
- b. ~~The number of units and floor area limitations of this section are satisfied for the residential uses;~~
- c. ~~Non-residential uses, as defined herein, are limited to the floor(s) below the residential uses;~~

⁶ Subsection (f) Mixed use development, has been relocated to subsection (i)(3). Changes from the original text are shown in that new location in strikethrough and underline.

Exhibit 1

d. ~~The property fronts on Commercial Boulevard, and is located west of State Road A1A;~~

e. ~~A major site plan modification or a site plan approval is obtained; and~~

f. ~~A conditional use approval is obtained.~~

~~(4) Permitted uses.~~

a. ~~On the ground floor:~~

1. ~~Work/sales space in a live/work unit.~~

2. ~~Non-residential use.~~

b. ~~Above the ground floor:~~

1. ~~Live/work space in a live/work unit.~~

2. ~~Dwelling units.~~

~~(5) Limitations on residential uses.~~

a. ~~Maximum number of units.~~ No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.

b. ~~Floor area.~~ The residential floor area of the mixed use development does not exceed 50 percent of the gross floor area of the building.

~~(6) Parking requirements.~~ The total number of required off-street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately. For live/work mixed use development, the total required parking will be equal to the parking required for the nonresidential use only. See sections 30-314 through [30-]324 regarding off-street parking.

~~(7) Landscaping and open space requirements.~~ Mixed use developments shall be required to meet the vehicular use area requirements as provided in Article VII, Landscape Code, of Chapter 30, Unified Land Development Regulations, for the non-residential use only.

~~(8) Town approvals required for mixed use development.~~

a. ~~Conditional use.~~ A conditional use shall be obtained in accordance with the requirements of section 30-126 of the Town Code. As part of the conditional use review, the Town Commission shall verify that section 30-100, Flexibility rules of the Town Code, has been satisfied for the allocation of flexibility units.

b. ~~Site plan.~~ Either a major site plan modification shall be obtained in accordance with section 30-123, or a site plan approval shall be obtained pursuant to article IV, Development Permits — Application, Requirements and Review Procedures, division 2, Site Plan Procedures and Requirements, of the Town Code.

(dg) Design.

(1) Construction shall be limited to one building on B-4 lots 50 feet or less in width.

Exhibit 1

- (2) ~~All business buildings constructed in a business district~~ shall be of C.B.S. construction.
- (3) Except on waterfront properties, no parking spaces constructed after [THE EFFECTIVE DATE OF THIS ORDINANCE] shall be located along the primary street frontage and to the maximum extent feasible without losing required parking, as determined by the DSD, existing parking along the primary street frontage shall be removed from the primary street frontage for any redevelopment.
- (4) Curbcuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial Boulevard, or it is determined based on a traffic study that access from Commercial Boulevard is necessary for safe and efficient vehicular and pedestrian circulation, and shall be designed with every practical consideration for appearance, fire protection, health, light, air. All plans and specifications of the building shall be approved by the Town Building Inspector. The Building Inspector need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically prohibited in B-1 districts and there shall be a maximum opening of ten feet by ten feet for doorways in each business building.
- (5) Each structure shall have its own sustaining walls; party walls are prohibited.
- (6) There shall be at least one front entrance and one rear entrance to buildings.
- (7) There must be a ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.
- (8) Building facades on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 40% of the linear frontage per story above the first. The DSD shall review and approve compliance with this criteria through the architectural review process, and may decrease the 40% standard by 10% if the DSD finds that such a change enhances the mid-century modern façade and remains consistent with the architectural design guidelines.
- (9) Building facades on the majority of the length of the first floor must incorporate architectural features such as eyebrows, awnings, canopies or other artistic and architectural features to create shade.
- (eh) *Minimum building size.* No building shall be erected on any lot, that is 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.
- (fi) *Setbacks.*
- (1) ~~Front setback. Business buildings~~ Buildings shall are not required to be set back on the front except those erected on Ocean Drive (A1A) or Bougainvilla Drive which shall have the following setbacks:

Exhibit 1

- 790 a. Ocean Drive (A1A), front setback of not less than 50 feet from the centerline of
791 said thoroughfare; and
- 792 b. Bougainvilla Drive, front setback of 25 feet from property line.
- 793 (2) *Side setback.*
- 794 a. ~~Business~~ Buildings erected on Blocks 5, 6, 13, and 14 siding on El Mar Drive
795 shall have a side setback of eight feet from the respective property lines of said
796 thoroughfare;
- 797 b. ~~business~~ Buildings erected on Blocks 13, 14, 20 and 21 siding on Ocean Drive
798 (A1A) shall have a side setback of not less than 50 feet from the centerline of said
799 thoroughfare; and.
- 800 c. Where windows are required or present along an interior side lot line, a setback of
801 not less than five feet shall be provided;
- 802 d. Otherwise, one-story business buildings require no side setback, except where
803 windows are required, in which case a setback of not less than five feet shall be
804 made.
- 805 (3) *Rear setback:*
- 806 a. No building or any part thereof shall be erected on any lot closer than ten feet
807 from the rear lot line.
- 808 b. No building or any part thereof shall be erected on any lot closer than 30 feet
809 from the rear lot line in the following designated areas:
- 810 1. All of Block B except Lots 1, 2, 3, 12, 13, and 14 in Silver Shores Section
811 of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat
812 thereof, recorded in Plat Book 28, page 39, Public Records of Broward
813 County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply
814 with the rear setback described in [subsection] (3)(a) herein.
- 815 2. All of Block E except Lots 1, 2, 3, 12, 13, and 14 of a subdivision of Track
816 "D" of Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit
817 "A," according to the plat thereof, recorded in Plat Book 29, page 21,
818 Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14
819 shall be required to comply with the rear setback described in [subsection]
820 (3)(a) herein.
- 821 3. All of Blocks J and K except Lots 1, 2, 3, 12, 13, and 14 of Silver Shores
822 Section of the Town of Lauderdale-By-The-Sea, Unit "B," according to
823 the plat thereof, recorded in Plat Book 31, page 3, Public Records of
824 Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to
825 comply with the rear setback described in [subsection] (3)(a) herein.
- 826 (4) *Roof cornice setbacks.* ~~Roof cornices constructed of fire resistive materials, if ten feet~~
827 ~~or more above the sidewalk, may project over the public street not more than three~~
828 ~~feet, provided the roof cornices are set back a minimum of but shall never be closer~~
829 ~~than two feet, measured from the curbline. The construction and anchorage of all such~~

Exhibit 1

- projections shall be subject to the approval of the Building Inspector and may be erected only upon a permit issued by the Building Inspector.
- ~~(5) Exterior balconies. Fixed exterior balconies shall be designed in accordance with the engineering section of the Town's building code, and shall be supported in an approved manner and the framework shall be of steel, iron, reinforced concrete or other incombustible material. Such exterior balconies shall be at least ten feet in the clear between the lowest point of any projection and the sidewalk immediately below, and shall extend not more than three feet from the building, shall never be closer than two feet from the curbline. Exterior balconies shall not support any enclosure or structures with roof above.~~
- (g) Lot subdivision. Subdivision of lots to a width less than 25 feet is prohibited.
- ⁷~~(j) Loitering.~~
- ~~(1) All businesses shall provide adequate indoor seating for their customers, clients, patients and business invitees.~~
- ~~(2) Except for customers seated in approved sidewalk café areas, customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the business is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.~~
- ~~(3) Pedestrian queuing at any time, including prior to business hours, outside of the business' building is prohibited.~~
- ~~(k) Queuing of vehicles. All businesses shall ensure that there is no queuing of vehicles in the adjacent rights-of-way, drive aisles of the property's parking lot or on any adjacent properties;~~
- ~~(l) Properties with street frontage on the parking plazas or Commercial Boulevard between Seagrape Drive and West Tradewinds only; general provisions.~~
- ~~(1) All construction which shall extend to a permitted two-story level use shall provide front and rear entrances.~~
- ~~(2) Each structure shall have its own sustaining walls; party walls shall be prohibited.~~
- ~~(3) There shall be both a front and rear entrance to buildings.~~
- ~~(4) All construction on corner lots and Seagrape Drive, East Tradewinds or West Tradewinds, and facing east or west, must include a finished storefront architecture on the side of the building facing Commercial Boulevard on the north or south side, as the case may be, dependent upon which side of Commercial Boulevard the construction is planned. This requirement is intended to eliminate any solid wall frontage facing the boulevard.~~

⁷ These subsections (j) and (k) have been relocated to Section 30-313 (j) and (k) respectively.

Exhibit 1

[(m) NOTE TO CODIFIER, please move this current subsection (m) *Marina Uses* to subsection (2) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

[(n) NOTE TO CODIFIER, please move this current subsection (n) *Paid Private Parking* to subsection (4) under new subsection (i) *Specific conditional use criteria*, and renumber accordingly]

(h⁸) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:

(1) *Permit required.* It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

(2) *Permit fee.* The fee for a permit for outside seating for a restaurant shall be as established by resolution of the Town Commission.

(3) *Permit application.* Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:

a. Name, address and telephone number of the applicant.

b. Name and address of business.

c. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.

d. An 8 ½ x 11 inch ~~eight and one half inches times; 11 inches drawing or larger~~ at a minimum scale of one inch equals 20 feet showing the following:

1. The store front and all openings (doors, windows).

2. The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;

3. Clear delineation of the boundary between private property and the public right-of-way;

4. The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.

e. When the outside seating area is visible from a public right-of-way, the application shall also include:

⁸ This subsection (h) has been relocated from subsection (c). Changes shown are from the original text. Additions to the original text are shown in underline and deletions are shown in ~~strikethrough~~.

Exhibit 1

1. Photographs and/or manufacturer brochures fully describing the appearance of all proposed chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed outside seating area.
 2. A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating area. This plan shall ensure that the outside seating area is maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and at the close of each business day to ensure a healthy and safe environment.
 - f. Written consent from the building owner for the proposed outside seating area.
 - g. In the event the outside seating area is proposed in front of an adjacent owner's property, the applicant must provide written consent from the adjacent property owner for use of this area.
 - h. Non-refundable application fee.
 - i. Applications shall be reviewed for compliance with the Town Code and may be approved by the Town Manager or designee.
 - j. The Town Manager or designee may deny an application that does not comply with this section. Such denials shall be written and shall provide the reasons for the denial. The applicant or any property owner whose property directly abuts the property which is the subject matter of the application may appeal the Town Manager or designee's decision to the Town Commission.
- (4) *Location requirements.* The location of an outside seating area for a restaurant shall be subject to the following locational regulations:
- a. An outside seating area shall only be permitted on private property that is:
 - ~~1. Adjacent to a licensed restaurant business to which the permit is issued;~~
 - ~~2. Adjacent to another licensed business that is located within the same building as the licensed restaurant business to which a permit is issued.~~
 - b. Tables and chairs shall not be permitted within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
 - c. The Town Manager or designee may permit an exception to the distance requirement of subsection b. [above] from ten feet to five feet where established pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.
 - d. Markers approved by the Town Manager or designee shall be embedded into the property ~~by the applicant~~ to distinguish the approved boundaries of the outside

Exhibit 1

seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area or the area is otherwise clearly delineated.

(5) *Additional regulations for outside seating for a restaurant:*

- a. The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.
- b. There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13, Noise, of the Town Code.
- c. Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.
- d. Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.
- e. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.
- f. No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.
- g. Additionally, when the outside seating area is visible from a public right-of-way:
 1. No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 2. Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating.

- (6) Prior to issuance of a permit for outside seating, 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 requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.

Exhibit 1

- (7) Any primary restaurant which obtains a permit to have outside seating as an accessory use to the primary restaurant, pursuant to [sub]section 30-261(1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.

(i) Specific conditional use requirements.

(1) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (c) *Convenience store criteria.*]

(2) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (m) *Marina Uses.*]

(3)⁹ Mixed use *requirements development*. The following provisions govern applications for approval of the conditional use of "mixed use," development as a conditional use in the B-1 district.~~a vertical mix of neighborhood-serving B-1 uses and residential uses within the same building in locations fronting on Commercial Boulevard and west of State Road A1A.~~

a. *Purpose.* The purpose of encouraging mixed use development ~~on Commercial Boulevard~~ is to:

1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the nonresidential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

b. ~~*Definitions.* For purposes of this section, the following definitions shall apply.~~

1. ~~"Live/work units" means a type of mixed use development that combines non-residential uses in the same structure as a dwelling unit occupied by the business owner, which reduces trip generation, provides for affordable and diverse housing options in the Town, incubates new businesses and provides for the needs of unique businesses such as art galleries and studios.~~
2. ~~"Live/work space" means the residential dwelling unit and related non-residential uses conducted above the ground floor of a live/work unit.~~
3. ~~"Mixed-use building" means a building that contains at least one floor devoted to non-residential use and at least one devoted to allowed residential uses.~~

⁹ This section was relocated from subsection (f). Changes shown are from the original text. Additions to the original text are shown in underline and deletions are shown in ~~strikethrough~~.

Exhibit 1

4. ~~"Non-residential use" means neighborhood-serving retail, service, commercial or other uses allowed in the B-1 zoning district, excluding residential uses.~~

5. ~~"Work/sales space" means the non-residential uses on the ground floor of a live/work unit.~~

be. *Mixed use development on commercially designated parcels.* The Town may approve a conditional use for mixed use development on B-1 zoned property when the property has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:

1. ~~Approval is obtained of an allocation of available flexibility units are available,~~ in accordance with section 30-100, Flexibility rules of the Town Code; ~~and~~

2. The number of units and floor area limitations of this section are satisfied for the residential uses; ~~and~~

3. The property is located within 250 feet of Commercial Boulevard measured by airline measurement from the Commercial Boulevard right-of-way line. If any portion of a property lies within the 250 foot measurement, the whole property shall be eligible for mixed use development.

3. ~~Non-residential uses, as defined herein, are limited to the floor(s) below the residential uses;~~

4. ~~The property fronts on Commercial Boulevard, and is located west of State Road A1A;~~

5. ~~A major site plan modification or a site plan approval is obtained; and~~

6. ~~A conditional use approval is obtained.~~

d. ~~Permitted uses.~~

1. ~~On the ground floor:~~

i. ~~Work/sales space in a live/work unit.~~

ii. ~~Non-residential use.~~

2. ~~Above the ground floor:~~

i. ~~Live/work space in a live/work unit.~~

ii. ~~Dwelling units.~~

ce. *Limitations on residential uses.*

1. *Maximum number of units.* No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.

2. Limitations on location of uses.

Exhibit 1

i. Non-residential use or space is prohibited on or above any floor which contains any residential use or space.

ii. Residential use or space is prohibited on the ground floor.

3. Floor area and lot coverage.

i. The residential floor area of the mixed use development ~~does~~ shall not exceed 50 percent of the gross floor area of the building.

ii. No building which includes residential uses shall occupy an area greater than 70 percent of the entire lot.

iii. The required lot area per apartment or kitchen unit shall be not less than 800 square feet. The required floor area per apartment of kitchen unit shall not be less than 250 square feet minimum.

iv. The required floor area for a hotel room shall not be less than 200 square feet.

3. Affidavit of Understanding. Residential uses located east of A1A must include an affidavit of understanding, in a form acceptable to the Town Attorney regarding special event activity, street closures and noise ordinance waivers that periodically takes place downtown.

4. Lease notice requirement. Residential uses east of State Road A1A must include the following notice to all tenants in all leases and contracts:

This Unit is located in the core of downtown Lauderdale-By-The-Sea. Special event activities periodically take place in this area on the streets directly below this unit. On any given occasion, street closures may take place and the noise ordinance may be waived. Such circumstances and inconveniences are accepted as part of this agreement.

5. Use. Dwelling units that are used for rental purposes shall be limited as follows:

i. On properties with less than four dwelling units, short term rentals are permitted as an accessory use if a rental certificate is first obtained pursuant to section 30-327; or

ii. On properties with more than four dwelling units, a minimum residency of 120 consecutive days is required.

d.f. Parking requirements.

1. The total number of required off-street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately.

2. A minimum of one parking space per residential unit must be provided on-site.

Exhibit 1

3. For a unit that combines both residential and nonresidential uses, ~~live/work mixed use development~~, the total required parking will be equal to the parking required for the nonresidential use only. See sections 30-314 through {30-}324 regarding off-street parking.

eg. *Landscaping and open space requirements.* Mixed use developments shall be required to meet the vehicular use area requirements as provided in Article VII, Landscape Code, of Chapter 30, Unified Land Development Regulations, for ~~the non-residential uses only.~~

~~(8) Town approvals required for mixed use development.~~

~~a. Conditional use. A conditional use shall be obtained in accordance with the requirements of section 30-126 of the Town Code. As part of the conditional use review, the Town Commission shall verify that section 30-100, Flexibility rules of the Town Code, has been satisfied for the allocation of flexibility units.~~

~~b. Site plan. Either a major Level 1 site plan modification shall be obtained in accordance with section 30-123, or a site plan approval shall be obtained pursuant to article IV, Development Permits – Application, Requirements and Review Procedures, division 2, Site Plan Procedures and Requirements, of the Town Code.~~

(4) [NOTE TO CODIFIER – RELOCATE TO THIS LOCATION: (n) Paid Private Parking.]

(5) Call Center Requirements. The following provisions govern applications for approval of call centers as a conditional use in the B-1 district.

a. The applicant for a call center conditional use shall provide to the Town an operational plan containing information needed to assess the potential impact on parking and traffic, including the number of employees, a shift schedule including the maximum number of employees arriving from and leaving the call center during the shift change and any steps that may be proposed for mitigating parking and/or traffic impacts. Examples of mitigation measures include shifts schedules to avoid arriving and leaving at peak traffic hours, and providing incentives for employees using public transportation or ridesharing arrangements.

b. If determined by the DSD to be necessary, submittal of a traffic impact statement and/or parking study may be required to ensure that adequate parking will be available. If such traffic statement or parking study is required, the applicant shall be responsible for any costs incurred by the Town in reviewing such statement or study.

* * *

Exhibit 1

1132 **SECTION 4.** Chapter 30, Unified Land Development Regulations of the Code of
1133 Ordinances, Article V, Zoning, Division 2, Districts, Subdivision L, Supplemental Regulations,
1134 is hereby amended as follows:

1135 **Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS**

1136 * * *

1137 **ARTICLE V. – ZONING**

1138 * * *

1139 **DIVISION 2. - DISTRICTS**

1140 * * *

1141 **Subdivision L. – Supplemental Regulations**

1142 * * *

1143 **Sec. 30-313. – General Provisions.**

1144 * * *

1145 ¹⁰(j) ~~Reserved.~~ Capacity restrictions.

1146 (1) All businesses shall provide adequate indoor seating for their customers, clients,
1147 patients and business invitees.

1148 (2) Except for customers seated in approved sidewalk café areas, customers, clients,
1149 patients or business invitees shall not be directed, encouraged or allowed to stand, sit
1150 (including in a parked car for any period of time longer than reasonably required for a
1151 person's passenger to conduct their official business and depart), or gather or
1152 wait~~loiter~~ outside of the building where the business is operating, including in any
1153 parking areas, sidewalks, rights-of-way, or neighboring properties.

1154 (3) Pedestrian queuing at any time, including ~~prior to~~ before or after business hours,
1155 outside of a business' building is prohibited.

1156 ¹¹(k) ~~Reserved.~~ Queuing of vehicles. All businesses shall ensure that there is no queuing of
1157 vehicles in the adjacent rights-of-way, drive aisles of the property's parking lot or on any
1158 adjacent properties;

1159 **SECTION 5. Codification.** This Ordinance shall be codified in accordance with the
1160 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall

¹⁰ This subsection (j) has been relocated from section 30-261(h) and 30-271(j).

¹¹ This subsection (k) has been relocated from section 30-261(i) and 30-271(k).

Exhibit 1

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

SECTION 6. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of _____, 2017.

Passed and adopted on the second reading, this ____ day of _____, 2017.

MAYOR SCOT SASSER

First Reading

Second Reading

Mayor Sasser

Vice-Mayor Brown

Commissioner Oldaker

Commissioner Sokolow

Commissioner Vincent

ATTEST:

Exhibit 1

1187

1188

1189 _____
Tedra Smith, Town Clerk

1190

1191 APPROVED AS TO FORM:

1192

1193

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1195 _____
Susan L. Trevarthen, Town Attorney

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Town of Lauderdale-By-The-Sea
Development Services Department

To: Planning and Zoning Board
Thru: Tony Bryan, Assistant Town Manager
From: Linda Connors, Town Planner
Date: December 13, 2016
Meeting Date: December 14, 2016

New Business: Revising Business District Zoning Requirements

The purpose of this memorandum is to present proposed amendments that reorganize and revise the development requirements of the business districts for the Planning and Zoning Board's review and consideration (**Exhibit 1**).

Request

One of the Town Commission's FY 17 Action Plan's highest priorities is to *maintain and improve the walkability of the Town*. One such way to ensure walkability is to review the Town Code to ensure the Code requirements support this priority.

The streetscape improvements that the Town made to Commercial Boulevard, the wayfinding signage throughout town, and the addition of bicycle racks and street benches support a small scale walkable community. However, while these improvements support the walkability, we found that many of our regulations in the business zoning districts did not encourage this type of development or redevelopment. Therefore, we are suggesting several amendments that will, when implemented, ensure that the codes necessary to support a walkable town are in place.

Consistency with the Town's Comprehensive & Strategic Plan

In addition to the Commission FY Action plan, adopting the proposed ordinance is consistent with the following Objective and Policy of the Town's Comprehensive Plan:

Objective 1.3 To provide for local year round, seasonal and tourist resident needs by maintaining business land uses.

Policy 1.3.2 Continue to evaluate and adopt revisions to planning or regulatory means to improve the appearance of the Town's business areas. Efforts could include local signage regulations, provision or requirement for increased property landscaping and open space.

Policy 1.5.12 Commercial land uses shall be limited to 2 stories for 25 foot lots and 3 stories for 50 foot lots.

Policy 1.5.13 Mixed use land uses shall not exceed a residential density of 25 dwelling units per acre. The percentage of commercial and office land uses may vary. The maximum height of mixed uses shall be consistent with the Town's Charter.

Policy 2.4.12 Promote partnerships between the public and private sector to create opportunities to live and work in the same community.

Policy 4.10.2 Encourage mixed use and transit oriented developments which support increase transit ridership, pedestrian movements, bicycling and other non-auto travel modes thereby promoting the reduction of greenhouse gas emissions.

Review

The proposed ordinance includes eight major changes to the existing code provisions. In addition to these proposed amendments, staff has identified areas to clarify existing code and/or eliminate redundancies. The major changes are discussed below. The additional changes are outlined in Table 1 (page 6).

1. Revise Height Restriction

Currently the code limits heights on buildings as follows:

30-271 (d) *Height.* No building shall be erected to a height greater than two stories on single 25-foot lots nor greater than three stories on 50-foot lots.

There are several lots that fall between 25 and 50 feet that are not clearly addressed in this section of the code. Therefore, staff is proposing to clarify this current requirement by amending the language so that lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. The language is further amended to require a unity of title or covenant in lieu if a property owner wants to combine lots and develop as one parcel at the greater height.

2. Prohibit the subdivision of lots to a width less than 25 feet

There are no current limitations on the width of lots in the commercial districts. Staff reviewed the size of the Town's commercial lots and found that most properties were 25' or more in width, with the majority being 40 – 50' in width. We believe that there should be limitations to ensure that the properties are large enough to support the additional code requirements such as minimum parking standards, minimum building size, etc.) and we are therefore proposing a minimum lot width of 25'. In our research, we found only two lots that were subdivided to less than 25' and these would be grandfathered.

3. Reduce the front setback requirements in the B1A district and amend the setback requirements in B1 to require most commercial buildings to be built at the front of the property line.

Currently, the Town code requires a setback of 25' in the B1A district, but the B1 district only requires setbacks from Ocean and Bougainville Drive. Town staff is recommending changing the front setback requirements so that property owners must build to the property line unless fronting Ocean and Bougainville Drives, where the setback requirements will remain 50' from the centerline of Ocean Drive and 25' from the property line fronting Bougainville Drive.

4. Require a minimum of 5' balcony for second and third stories, if applicable.

To protect the current scale and massing of the street and to ensure architectural interest, staff is suggesting that a balcony of 5' minimum be required for second and third story buildings with a minimum length of 25% of the building's length (frontage). We also amended the existing regulations on balconies to remove the restriction to allow roofs and to support structures above. These changes were proposed to support architectural variety.

5. Prohibit parking along primary street frontage (unless waterfront property).

Proposed Code amendment:

(d) Design.

- (3) Except on waterfront properties, parking shall not be located along the primary street frontage.

The first amendment related to design that we propose to support the walkability of the town is to prohibiting off-street parking along the primary street frontage. Existing buildings that currently have parking along the street would be grandfathered, but any new development of the property would require that the buildings be brought up to code to enhance walkability.

Moving the buildings closer to the sidewalk and therefore to the people will help to eliminate the void that people feel as they walk west and will fill in the gap between the east and west Commercial areas. It also has the added effect of eliminating the complaint that the Town has heard from business owners about signage being too far from the street and them not having customers walk in front of their stores.

As an example, the SunTrust Building would remain grandfathered. If new construction were to occur on the site, the development would be pushed to the street, resulting in storefronts at the sidewalk that will give the pedestrian something to look at while they walk.

6. Prohibit curb cuts providing access to parking areas on Commercial Boulevard

Proposed Code amendment:

(d) Design.

- (4) Curb cuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial Boulevard, or it is determined based on a traffic study that access from Commercial Boulevard is necessary for safe and efficient vehicular and pedestrian circulation.

The second design amendment that we are supporting to increase the walkability of the Town is to prohibit the curb cuts providing access to parking areas from Commercial Boulevard. This new provision supports the walkability of the Town by establishing provisions that, when implemented, will create a strong “street wall” where the buildings are close to the street. By not allowing additional curb cuts on Commercial Boulevard and removing existing curb cuts when new construction takes place, parking will be relocated to the side or rear. Add picture of By the Sea Realty.

For example, imagine this lot is vacant and the building is built so that the parking is accessed from Basin Drive and/or Seagrape Drives. The building is designed so that it is constructed along Commercial Boulevard with no curb cut so that pedestrians no longer have to cross traffic while walking along the Commercial Boulevard sidewalk. This small change will make the pedestrian's walk west on Commercial Boulevard that much more appealing.

7. Require buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets.

Proposed Code amendment:

(d) Design.

- (7) There must be a ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.

The third proposed design amendment that supports the walkability of the Town is to require buildings to have storefronts that face the street. Again, the proposed amendment is protecting the desired development pattern of the Town and supporting goal 3.5 of the Commission's FY17 Action Plan – Maintain and improve the walkability of the Town. It also encourages the movement of pedestrians from the east to our Commercial Boulevard plazas.

One of the main hurdles to overcome to get people moving from the 100 block of Commercial to the 200 and 300 block is the void that pedestrians encounter at the existing gas station, the parking lot west of Ocean Mist and Sun Trust building. We have already discussed SunTrust's property, so let's turn our attention to the gas station and parking lot. (Insert pictures).

Both of these properties have potential for redevelopment. It is important that the Town has the regulations in place that help property owners design buildings that are consistent with the Town's desire to support walkability. That means that we need to make sure that new our codes support the

“streetwall” concept – in which buildings should be built to the sidewalk (#3, 5 and #6 above) and also require the buildings to be permeable (visible by connecting the building and the sidewalk outside with windows and doors).

By requiring the buildings to have storefront facing the primary street or both streets of a corner lot, new development following these regulations would remove another impediment that currently exist to pedestrians walking to our Commercial plazas.

8. Add mixed use regulations in the B1A district and also in the area east of North Ocean Drive

The Town has records of 17 mixed use properties which included 56 housing units in our commercial district dating back to 1955, but the use was never formally codified in our Town Code and so in 2011, the Town adopted regulations that would allow mixed use development in the B1 zoning district west of Ocean Drive. Only one unit has been created since 2011, when the code was formalized (Exhibit 2 – Mixed Use Map).

The mixed use provisions of the code are fairly limiting as to the locations where residences could be included. We have had no complaints from property owners, residents or neighbors regarding these mixed use properties and so staff is suggesting that we review the current restrictions on mixed use and amend the code in the following ways:

1. Allow mixed use in the B1A zoning district and
2. Amend the limitations on mixed use development in the B1 district as follows:
 - a. Relocate definitions related to mixed use development to 30-11 Definitions;
 - b. Allow mixed use within the entire B1 District removing the restriction that mixed use front Commercial Boulevard and is located west of A1A;
 - c. Clarify that non-residential is required on the ground floor and cannot be located above a residential floor;
 - d. Consider limitations for mixed uses east of Ocean that would maintain short term rentals (three months or less) with the intent to exclude these properties from long term residents who would be more likely to be impacted by downtown activities and special events;
 - e. Relocate current restrictions on lot coverage and floor area;
 - f. Require an affidavit of understanding for those units located east of A1A that notifies a tenant that the unit is located in an area where special event activities take place; and
 - g. Require a minimum of one parking space per residential unit to be provided on site.

This concludes the description of the major proposed amendments to the ordinance. Table one on the next page outlines these and other less substantive changes and provides the line number for the ordinance for your reference.

Table 1

	Feature	Discussion	Line Number
1.	Definitions	Relocate definitions related to mixed use; add storefront definition	
2.		Add a subsection labeled specific conditional use criteria and relocate all of the existing conditional use criteria to this subsection (i.e. convenience store, mixed use, medical marijuana, etc...)	
3.		Clarify height restriction to lots less than 50' wide can be two stories and any other lots can be three stories. Current regulations are not clear for properties that fall between 25 – 50' wide. Require a unity of title or covenant in lieu to allow combined lots to be developed at the taller height.	
4.		Relocate lot minimum square footage requirements for residential units	
5.		Prohibit parking along primary street frontage and prohibit the creation of new parking access from Commercial Boulevard. In B1 district, parking restriction is limited to non-waterfront properties.	
6.		Require a storefront facing the primary street and if a corner lot, a storefront facing both streets.	
7.		Remove language which is already regulated under the Florida Building Code	
8.		Relocate Loitering and Queuing of Vehicles so that it applies universally and not only to B1A zoning area	
9.		Prohibit the subdivision of lots to a width less than 25 feet	
10.		Added Mixed use regulations to the B-1A district (specific additions/changes are outlined in #X)	
11.	DESIGN	Deleted restriction on open front buildings with maximum opening of 10 x 10 for doorways. Party walls prohibited. There shall be at least one front and one rear entrance to buildings. Relocated from section regulating properties west of Seagrape drive to Design – which now regulates all properties in the B1A and B1 districts	

	Feature	Discussion	Line Number
		Require a balcony of a minimum of 5' on 2 nd and 3 rd stories to protect the current scale and massing of the street and to ensure architectural interest.	

Recommendation

Staff recommends approval of the attached draft ordinance. Staff will forward the final ordinance to the Town Commission for first reading at their January 13th Commission meeting.

- Exhibits:**
1. Ordinance 2016-09
 2. Commission Staff Report
 3. Commission Minutes
 4. LBTS Parking Regulations

TOWN OF LAUDERDALE BY THE SEA

Zoning Map

EXHIBIT
2

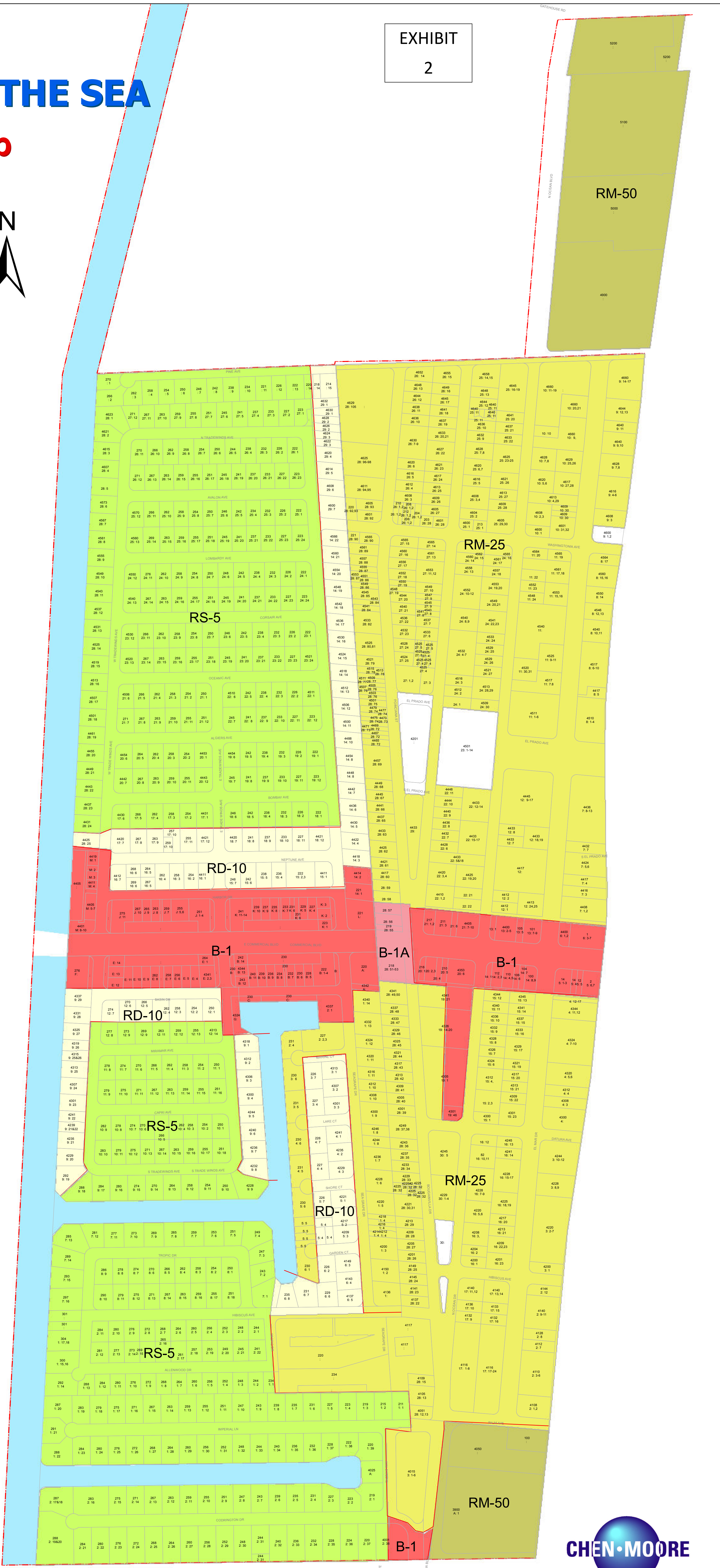
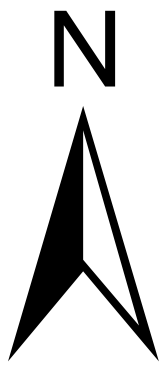
Legend

BoundaryLine

- Town Boundary
- Zoning District Line

Town Zoning District

- B-1 Business, Retail Business
- B1-A Business, Retail Business
- PUD Planned Unit Development District
- RS-4 Residence, Single - Family Dwelling (4 Dwelling Units)
- RS-5 Residence, Single - Family Dwelling (5 Dwelling Units)
- RD-10 Residence, Two- Family Dwelling (Duplex) (10 Dwelling Units)
- RM-15 Residence, Apartments, Hotels, etc. (Multiple Dwelling) (15 Dwelling Units)
- RM-16 Residence, Apartments, Hotels, etc. (Multiple Dwelling) (16 Dwelling Units)
- RM-25 Residence, Apartments, Hotels, etc (Multiple Dwellings) (25 Dwelling Units)
- RM-50 Hotel, Motel, Apartment Hotel, Apartments (Hight - Rise) (50 Dwelling Units)
- R-5 Motel District
- Water Unzoned Area





Town of Lauderdale-By-The-Sea
Development Services Department

To: Planning and Zoning Board
Thru: Tony Bryan, Assistant Town Manager
From: Linda Connors, Town Planner
Date: December 13, 2016
Meeting Date: December 14, 2016

New Business: Revising Business District Zoning Requirements

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Request

One of the Town Commission's FY 17 Action Plan's highest priorities is to *maintain and improve the walkability of the Town*. One such way to ensure walkability is to review the Town Code to ensure the Code requirements support this priority.

The streetscape improvements that the Town made to Commercial Boulevard, the wayfinding signage throughout town, and the addition of bicycle racks and street benches support a small scale walkable community. However, while these improvements support the walkability, we found that many of our regulations in the business zoning districts did not encourage this type of development or redevelopment. Therefore, we are suggesting several amendments that will, when implemented, ensure that the codes necessary to support a walkable town are in place.

Consistency with the Town's Comprehensive & Strategic Plan

In addition to the Commission FY Action plan, adopting the proposed ordinance is consistent with the following Objective and Policy of the Town's Comprehensive Plan:

Objective 1.3 To provide for local year round, seasonal and tourist resident needs by maintaining business land uses.

Policy 1.3.2 Continue to evaluate and adopt revisions to planning or regulatory means to improve the appearance of the Town's business areas. Efforts could include local signage regulations, provision or requirement for increased property landscaping and open space.

Policy 1.5.12 Commercial land uses shall be limited to 2 stories for 25 foot lots and 3 stories for 50 foot lots.

Policy 1.5.13 Mixed use land uses shall not exceed a residential density of 25 dwelling units per acre. The percentage of commercial and office land uses may vary. The maximum height of mixed uses shall be consistent with the Town's Charter.

Policy 2.4.12 Promote partnerships between the public and private sector to create opportunities to live and work in the same community.

Policy 4.10.2 Encourage mixed use and transit oriented developments which support increase transit ridership, pedestrian movements, bicycling and other non-auto travel modes thereby promoting the reduction of greenhouse gas emissions.

Review

The proposed ordinance includes eight major changes to the existing code provisions. In addition to these proposed amendments, staff has identified areas to clarify existing code and/or eliminate redundancies. The major changes are discussed below. The additional changes are outlined in Table 1 (page 6).

1. Revise Height Restriction

Currently the code limits heights on buildings as follows:

30-271 (d) *Height.* No building shall be erected to a height greater than two stories on single 25-foot lots nor greater than three stories on 50-foot lots.

There are several lots that fall between 25 and 50 feet that are not clearly addressed in this section of the code. Therefore, staff is proposing to clarify this current requirement by amending the language so that lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. The language is further amended to require a unity of title or covenant in lieu if a property owner wants to combine lots and develop as one parcel at the greater height.

2. Prohibit the subdivision of lots to a width less than 25 feet

There are no current limitations on the width of lots in the commercial districts. Staff reviewed the size of the Town's commercial lots and found that most properties were 25' or more in width, with the majority being 40 – 50' in width. We believe that there should be limitations to ensure that the properties are large enough to support the additional code requirements such as minimum parking standards, minimum building size, etc.) and we are therefore proposing a minimum lot width of 25'. In our research, we found only two lots that were subdivided to less than 25' and these would be grandfathered.

3. Reduce the front setback requirements in the B1A district and amend the setback requirements in B1 to require most commercial buildings to be built at the front of the property line.

Currently, the Town code requires a setback of 25' in the B1A district, but the B1 district only requires setbacks from Ocean and Bougainville Drive. Town staff is recommending changing the front setback requirements so that property owners must build to the property line unless fronting Ocean and Bougainville Drives, where the setback requirements will remain 50' from the centerline of Ocean Drive and 25' from the property line fronting Bougainville Drive.

4. Require a minimum of 5' balcony for second and third stories, if applicable.

To protect the current scale and massing of the street and to ensure architectural interest, staff is suggesting that a balcony of 5' minimum be required for second and third story buildings with a minimum length of 25% of the building's length (frontage). We also amended the existing regulations on balconies to remove the restriction to allow roofs and to support structures above. These changes were proposed to support architectural variety.

5. Prohibit parking along primary street frontage (unless waterfront property).

Proposed Code amendment:

(d) Design.

- (3) Except on waterfront properties, parking shall not be located along the primary street frontage.

The first amendment related to design that we propose to support the walkability of the town is to prohibiting off-street parking along the primary street frontage. Existing buildings that currently have parking along the street would be grandfathered, but any new development of the property would require that the buildings be brought up to code to enhance walkability.

Moving the buildings closer to the sidewalk and therefore to the people will help to eliminate the void that people feel as they walk west and will fill in the gap between the east and west Commercial areas. It also has the added effect of eliminating the complaint that the Town has heard from business owners about signage being too far from the street and them not having customers walk in front of their stores.

As an example, the SunTrust Building would remain grandfathered. If new construction were to occur on the site, the development would be pushed to the street, resulting in storefronts at the sidewalk that will give the pedestrian something to look at while they walk.

6. Prohibit curb cuts providing access to parking areas on Commercial Boulevard

Proposed Code amendment:

(d) Design.

- (4) Curb cuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial Boulevard, or it is determined based on a traffic study that access from Commercial Boulevard is necessary for safe and efficient vehicular and pedestrian circulation.

The second design amendment that we are supporting to increase the walkability of the Town is to prohibit the curb cuts providing access to parking areas from Commercial Boulevard. This new provision supports the walkability of the Town by establishing provisions that, when implemented, will create a strong “street wall” where the buildings are close to the street. By not allowing additional curb cuts on Commercial Boulevard and removing existing curb cuts when new construction takes place, parking will be relocated to the side or rear. Add picture of By the Sea Realty.

For example, imagine this lot is vacant and the building is built so that the parking is accessed from Basin Drive and/or Seagrape Drives. The building is designed so that it is constructed along Commercial Boulevard with no curb cut so that pedestrians no longer have to cross traffic while walking along the Commercial Boulevard sidewalk. This small change will make the pedestrian's walk west on Commercial Boulevard that much more appealing.

7. Require buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets.

Proposed Code amendment:

(d) Design.

- (7) There must be a ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.

The third proposed design amendment that supports the walkability of the Town is to require buildings to have storefronts that face the street. Again, the proposed amendment is protecting the desired development pattern of the Town and supporting goal 3.5 of the Commission's FY17 Action Plan – Maintain and improve the walkability of the Town. It also encourages the movement of pedestrians from the east to our Commercial Boulevard plazas.

One of the main hurdles to overcome to get people moving from the 100 block of Commercial to the 200 and 300 block is the void that pedestrians encounter at the existing gas station, the parking lot west of Ocean Mist and Sun Trust building. We have already discussed SunTrust's property, so let's turn our attention to the gas station and parking lot. (Insert pictures).

Both of these properties have potential for redevelopment. It is important that the Town has the regulations in place that help property owners design buildings that are consistent with the Town's desire to support walkability. That means that we need to make sure that new our codes support the

“streetwall” concept – in which buildings should be built to the sidewalk (#3, 5 and #6 above) and also require the buildings to be permeable (visible by connecting the building and the sidewalk outside with windows and doors).

By requiring the buildings to have storefront facing the primary street or both streets of a corner lot, new development following these regulations would remove another impediment that currently exist to pedestrians walking to our Commercial plazas.

8. Add mixed use regulations in the B1A district and also in the area east of North Ocean Drive

The Town has records of 17 mixed use properties which included 56 housing units in our commercial district dating back to 1955, but the use was never formally codified in our Town Code and so in 2011, the Town adopted regulations that would allow mixed use development in the B1 zoning district west of Ocean Drive. Only one unit has been created since 2011, when the code was formalized (Exhibit 2 – Mixed Use Map).

The mixed use provisions of the code are fairly limiting as to the locations where residences could be included. We have had no complaints from property owners, residents or neighbors regarding these mixed use properties and so staff is suggesting that we review the current restrictions on mixed use and amend the code in the following ways:

1. Allow mixed use in the B1A zoning district and
2. Amend the limitations on mixed use development in the B1 district as follows:
 - a. Relocate definitions related to mixed use development to 30-11 Definitions;
 - b. Allow mixed use within the entire B1 District removing the restriction that mixed use front Commercial Boulevard and is located west of A1A;
 - c. Clarify that non-residential is required on the ground floor and cannot be located above a residential floor;
 - d. Consider limitations for mixed uses east of Ocean that would maintain short term rentals (three months or less) with the intent to exclude these properties from long term residents who would be more likely to be impacted by downtown activities and special events;
 - e. Relocate current restrictions on lot coverage and floor area;
 - f. Require an affidavit of understanding for those units located east of A1A that notifies a tenant that the unit is located in an area where special event activities take place; and
 - g. Require a minimum of one parking space per residential unit to be provided on site.

This concludes the description of the major proposed amendments to the ordinance. Table one on the next page outlines these and other less substantive changes and provides the line number for the ordinance for your reference.

Table 1

	Feature	Discussion	Line Number
1.	Definitions	Relocate definitions related to mixed use; add storefront definition	
2.		Add a subsection labeled specific conditional use criteria and relocate all of the existing conditional use criteria to this subsection (i.e. convenience store, mixed use, medical marijuana, etc...)	
3.		Clarify height restriction to lots less than 50' wide can be two stories and any other lots can be three stories. Current regulations are not clear for properties that fall between 25 – 50' wide. Require a unity of title or covenant in lieu to allow combined lots to be developed at the taller height.	
4.		Relocate lot minimum square footage requirements for residential units	
5.		Prohibit parking along primary street frontage and prohibit the creation of new parking access from Commercial Boulevard. In B1 district, parking restriction is limited to non-waterfront properties.	
6.		Require a storefront facing the primary street and if a corner lot, a storefront facing both streets.	
7.		Remove language which is already regulated under the Florida Building Code	
8.		Relocate Loitering and Queuing of Vehicles so that it applies universally and not only to B1A zoning area	
9.		Prohibit the subdivision of lots to a width less than 25 feet	
10.		Added Mixed use regulations to the B-1A district (specific additions/changes are outlined in #X)	
11.	DESIGN	Deleted restriction on open front buildings with maximum opening of 10 x 10 for doorways. Party walls prohibited. There shall be at least one front and one rear entrance to buildings. Relocated from section regulating properties west of Seagrape drive to Design – which now regulates all properties in the B1A and B1 districts	

	Feature	Discussion	Line Number
		Require a balcony of a minimum of 5' on 2 nd and 3 rd stories to protect the current scale and massing of the street and to ensure architectural interest.	

Recommendation

Staff recommends approval of the attached draft ordinance. Staff will forward the final ordinance to the Town Commission for first reading at their January 13th Commission meeting.

- Exhibits:**
1. Ordinance 2016-09
 2. Commission Staff Report
 3. Commission Minutes
 4. LBTS Parking Regulations

**NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES**

*Jarvis Hall - 4505 Ocean Drive
Wednesday, December 14, 2016
6:00 P.M.*

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:00 P.M. Members present were Roseann Minnet, John Lanata, John Graziano, 1st Alternate Cari McCormack, and 2nd Alternate Paul LaCoursiere. The absent members were Charles Clark and David Chanon. Also present were Assistant Town Attorney Kathryn Mehaffey, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – November 16, 2016

The minutes were not discussed.

4. PUBLIC COMMENTS

The Chair invited public comments but there weren't any members of the public requesting to speak. He then asked Ms. Connors to summarize the agenda item under new business.

5. NEW BUSINESS

a. Ordinance 2017-03 – Amending Business Zoning Districts
(Linda Connors, Development Services Director)

Ms. Connors said this agenda item is an amendment to our development requirements for the business districts. She was going to start with three basic rules of urban design. Ms. Connors said that several years ago, the Town asked David Sucher, the author of the book *City Comforts*, to talk to the community about what makes good urban design. The first rule for a good walkable community is to encourage building to the property line. This creates a strong street wall where each building comes close to the sidewalk. This brings the building to the people. The second is to make the buildings permeable meaning glass store fronts with something interesting to look at. The third is to prohibit parking lots in the front of the building because it is not interesting to walk by a parking lot. These three tenets make for interesting walking where people feel comfortable. One of the Town Commission's fiscal year 2017 Action Plan's highest priorities is to maintain and improve the walkability of the Town of Lauderdale-By-The-Sea.

Ms. Connors gave a PowerPoint presentation and said that whenever we do an amendment to a section of an ordinance, she presents the whole ordinance to see if some revisions should be made to clarify and to delete outdated and/or duplicative language. She spoke about the proposed major changes starting with height restrictions. To clarify, lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. This prohibits the subdivision of lots to a width less than 25 feet. Another proposed major change is to reduce the front setback requirements in the B1A District from 25' to requirement of 0' (built to the street), except for Bougainvillea Dr (25') and amend the setback requirements in B1 to 0' except for Bougainvillea and Ocean Drive. She then spoke about building interest with architectural diversity. The building facade on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 25% of the linear frontage per story above the first, subject to review and approval through the architecture review process. The first story should be glass fronts. Except on waterfront properties, parking shall not be located along the primary street frontage. Any new development of the property would require that the buildings be brought up to code to enhance walkability. Ms. Connors was questioned if new development also means re-development. She replied only if it is a substantial re-development. Another proposed change is to prohibit curb cuts providing access to parking areas on Commercial Boulevard. This would give the pedestrian a little more visual interest coaxing them to walk further. Another proposed change for a design pattern would be to require buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets. Another proposed change is to add mixed use regulations in the B1A district and also in the area east of North Ocean Drive.

Ms. Connors then spoke about reviewing the current restrictions on mixed use and amending the code. She spoke about relocating definitions and current restrictions on lot coverage and floor area. What staff is proposing to change is eliminating any restriction on the location of mixed use. Right now in the code, it has to front Commercial Boulevard and west of A-1-A and the proposal is anywhere in the B1 District. Right now there is no mixed use in the B1A District and staff is proposing mixed use in the B1A District. She explained that mixed use is when you have a commercial (office or retail) property and you allow residential. The two B Districts allow business usage and staff is proposing adding residential. Staff would require that residential would not be allowed on the first floor and not be allowed to be larger than the business use (no more than 50% of the building). The other proposal is for east of A-1-A. Staff is proposing two restrictions. One proposal is for short-term rental because this is an entertainment area with hotels. The other proposal is for an Affidavit of Understanding for those units that are east of A-1-A that notifies the tenant in an area when special event activities take place. The final recommendation being made to the B1 mixed use is that the Town requires one parking space for every residential unit on site.

Ms. Connors explained that conditional uses are being re-organized. Conditional uses are a requirement of the code. Some conditional uses have requirements that have to be met and they are scattered all around. Staff wants to create conditional use criteria and move those for marina, medical marijuana, convenient stores, and private parking all in one area. Ms. Connors explained that in Table 1, staff outlined the regulations in a little more detail.

Ms. Minnet said that she has spoken to Ms. Connors about this and she is comfortable with a number of the items discussed this evening. However, there are some that she is uncomfortable with. She suggested taking each item separately.

Discussion ensued that lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. Ms. Minnet was fine with this clarification of the code. Ms. McCormack inquired whether there are any buildings not fitting this parameter. Ms. Connors said there is one property that is forty feet wide that has three stories and that property would be grandfathered. She said that this was really not changing anything in the code and the Town was just moving forward with a better written regulation. Mr. LaCoursiere wanted to know why another property could not be built with three stories and be forty feet wide. Ms. Connors answered that three story buildings require more parking than two story buildings. Parking requires more land.

Mr. Lanata made a motion to approve height restrictions by clarifying lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Ms. Connors asked if each item would be voted on individually and everyone was in favor.

Mr. Lanata made a motion to vote on each item individually. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Lanata made a motion to approve prohibiting the subdivision of lots to a width less than 25 feet. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Ms. Minnet agreed to a more walkable community but does not want to create more masses or walls. She suggested making the sidewalks larger by having the store on the first floor set in thus creating an overhang. Ms. Connors said that the overhang goes with the design that they were proposing to add in. Mr. LaCoursiere spoke about the Wings building with residents upstairs. Ms. Minnet spoke about a little larger sidewalk. Ms. McCormack spoke about adding an awning for protection against the weather and the sun. Ms. Connors spoke about the costs associated with a large overhang. Ms. Minnet thought she was okay with the next recommendation. She was only trying to see if there could be a protected, larger walking area. Ms. Connors said this could be part of the recommendation for building interest with architectural diversity that will be discussed and voted upon a little later on. She said that they could add wording for shade, protection from the sun, or other suggestion but to be cognizant of not creating a cookie cutter design.

Mr. Graziano made a motion to approve reducing the front setback requirements in the B1A District and amend the setback requirements in the B1 District to require most commercial buildings be built at the front of the property line. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Discussion ensued about some type of shade for the sidewalk. Mr. Lanata said you would have to have a zero lot line if you wanted to shade the sidewalk. Discussion ensued about having an eyebrow or other architectural structure on the first floor to create shade on the street.

Mr. Graziano made a motion to approve the requirement for architectural diversity on the first floor with a structure to create shade on the street. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. Connors said that the second and third floors needed to be discussed. The building facade on the second or third stories should incorporate features such as a minimum of a 5' balcony

with a minimum length of 25% of the building's length. The Town was also recommending amending the existing regulations on balconies to remove the restriction to allow roofs and to support structure above for architectural variety. Ms. McCormack liked the statement and creativity of architectural diversity without it being too much. Ms. Connors said that all new buildings have to go through architectural review. Ms. Minnet did not think that 25% of the building's length for a balcony would make that much of an impact. She would like to see a minimum of at least 50%. Ms. Connors suggested language that makes this subject to review and approval of the Town's architect during the architectural review process. Ms. Mehafeey explained that architectural review is more likely to say if the feature works or not in that location or on the building. The review would probably not move the 25% of the building's length to a higher percentage. Ms. Minnet feels the 25% of the Mid-Century Modern characteristics is too low and would like 40% which would be subject to approval of the architectural review process.

Mr. Graziano made a motion to approve the requirement for the building's facade on the second or third stories incorporate features such as a minimum of a 5' balcony with a minimum length of 40% of the building's length subject to the review and approval through the architectural review process. Staff amended the existing regulations on balconies to remove the restriction to allow roofs and to support structures above for architectural variety. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. McCormack made a motion to approve prohibiting parking along primary street frontage (unless waterfront property). The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Graziano had a question on the next item, curb cuts. He did not want to restrict businesses from doing business. Ms. Connors read into the record the proposed language in the ordinance to answer his question.

Mr. Lanata made a motion to approve prohibiting access to parking areas on Commercial Boulevard. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. McCormack made a motion to approve requiring buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. Connors asked the board members to turn to page 27 in the ordinance with the proposed changes because it contains the mixed use language in the code. She also said that page 5 of the staff report lists the amendments. She explained that the way mixed use is now and how the language was clarified. Mixed use is not allowed on the first floor. The first floor has to be commercial. The residential aspect of the building cannot exceed 50% of the square footage of the building. Residential cannot be the primary usage in the business districts. Now in the code, you can never have commercial above residential. Now mixed use would be allowed in the B1A District. Ms. Minnet does not have a problem with mixed use. She does have a problem with short-term rentals. It makes it difficult to maintain community standards with short-term rentals. She would be okay with long-term residential in that district. She does not want the hotels to compete with short-term rentals. She is not sure about the Affidavit of Understanding because those who move downtown know about the events held there. Mr. Graziano thinks there may be comments from the Chamber and the Hotel Industry. Ms. Minnet said that the Chamber was for promoting businesses and expressed concern for the short-term

rentals because of the hotels in Town. Mr. Lanata also is against short-term rentals. Discussion ensued and it was agreed to keep the Affidavit of Understanding.

Mr. Graziano made a motion to approve adding mixed use regulations in the B1A District and also in the area east of North Ocean Drive but to strike short-term rentals and add residential rentals in its place. This would also keep the Affidavit of Understanding. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. Connors said that the rest of the proposals is organizational. Ms. McCormack asked about the Town's requirement of one parking space for every residential unit on site in the B1 District. Ms. Connors explained that it was staff's recommendation because there needs to be a residential parking space for each unit and there was agreement.

Ms. Mehaffey said that there needs to be a motion for voting on the recommendation of the ordinance as a whole. She then summarized the changes that the board recommended. Mr. Graziano asked if a residential rental definition needed to be added. Ms. Mehaffey said that the short-term rental definition would be deleted. Ms. Mehaffey said that she and staff would take long-term residential definition into consideration as they draft the ordinance.

Mr. Graziano made a motion to recommend approval of the ordinance as drafted with the revisions to the first floor architecture, second floor architecture, and the removal of the short-term rental restrictions. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Mr. Graziano told Ms. Connors that she and staff did a great job on this. Ms. Connors said that she appreciated everyone's flexibility.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said that the next meeting would be the third Wednesday in January 2017 (1/18/2017). She wished everyone happy holidays.

8. ADJOURNMENT

As there was no other business to discuss and without objection, the meeting was adjourned at 7:14PM.

Chair John Lanata

ATTEST:

Date Accepted: _____

Development Services Director Linda Connors

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, December 14, 2016
6:00 P.M.

1. CALL TO ORDER

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2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – November 16, 2016

The minutes were not discussed.

4. PUBLIC COMMENTS

The Chair invited public comments but there weren't any members of the public requesting to speak. He then asked Ms. Connors to summarize the agenda item under new business.

5. NEW BUSINESS

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Ms. Connors gave a PowerPoint presentation and said that whenever we do an amendment to a section of an ordinance, she presents the whole ordinance to see if some revisions should be made to clarify and to delete outdated and/or duplicative language. She spoke about the proposed major changes starting with height restrictions. To clarify, lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. This prohibits the subdivision of lots to a width less than 25 feet. Another proposed major change is to reduce the front setback requirements in the B1A District from 25' to requirement of 0' (built to the street), except for Bougainvillea Dr (25') and amend the setback requirements in B1 to 0' except for Bougainvillea and Ocean Drive. She then spoke about building interest with architectural diversity. The building facade on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 25% of the linear frontage per story above the first, subject to review and approval through the architecture review process. The first story should be glass fronts. Except on waterfront properties, parking shall not be located along the primary street frontage. Any new development of the property would require that the buildings be brought up to code to enhance walkability. Ms. Connors was questioned if new development also means re-development. She replied only if it is a substantial re-development. Another proposed change is to prohibit curb cuts providing access to parking areas on Commercial Boulevard. This would give the pedestrian a little more visual interest coaxing them to walk further. Another proposed change for a design pattern would be to require buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets. Another proposed change is to add mixed use regulations in the B1A district and also in the area east of North Ocean Drive.

Ms. Connors then spoke about reviewing the current restrictions on mixed use and amending the code. She spoke about relocating definitions and current restrictions on lot coverage and floor area. What staff is proposing to change is eliminating any restriction on the location of mixed use. Right now in the code, it has to front Commercial Boulevard and west of A-1-A and the proposal is anywhere in the B1 District. Right now there is no mixed use in the B1A District and staff is proposing mixed use in the B1A District. She explained that mixed use is when you have a commercial (office or retail) property and you allow residential. The two B Districts allow business usage and staff is proposing adding residential. Staff would require that residential would not be allowed on the first floor and not be allowed to be larger than the business use (no more than 50% of the building). The other proposal is for east of A-1-A. Staff is proposing two restrictions. One proposal is for short-term rental because this is an entertainment area with hotels. The other proposal is for an Affidavit of Understanding for those units that are east of A-1-A that notifies the tenant in an area when special event activities take place. The final recommendation being made to the B1 mixed use is that the Town requires one parking space for every residential unit on site.

Ms. Connors explained that conditional uses are being re-organized. Conditional uses are a requirement of the code. Some conditional uses have requirements that have to be met and they are scattered all around. Staff wants to create conditional use criteria and move those for marina, medical marijuana, convenient stores, and private parking all in one area. Ms. Connors explained that in Table 1, staff outlined the regulations in a little more detail.

Ms. Minnet said that she has spoken to Ms. Connors about this and she is comfortable with a number of the items discussed this evening. However, there are some that she is uncomfortable with. She suggested taking each item separately.

Discussion ensued that lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. Ms. Minnet was fine with this clarification of the code. Ms. McCormack inquired whether there are any buildings not fitting this parameter. Ms. Connors said there is one property that is forty feet wide that has three stories and that property would be grandfathered. She said that this was really not changing anything in the code and the Town was just moving forward with a better written regulation. Mr. LaCoursiere wanted to know why another property could not be built with three stories and be forty feet wide. Ms. Connors answered that three story buildings require more parking than two story buildings. Parking requires more land.

Mr. Lanata made a motion to approve height restrictions by clarifying lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Ms. Connors asked if each item would be voted on individually and everyone was in favor.

Mr. Lanata made a motion to vote on each item individually. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Lanata made a motion to approve prohibiting the subdivision of lots to a width less than 25 feet. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Ms. Minnet agreed to a more walkable community but does not want to create more masses or walls. She suggested making the sidewalks larger by having the store on the first floor set in thus creating an overhang. Ms. Connors said that the overhang goes with the design that they were proposing to add in. Mr. LaCoursiere spoke about the Wings building with residents upstairs. Ms. Minnet spoke about a little larger sidewalk. Ms. McCormack spoke about adding an awning for protection against the weather and the sun. Ms. Connors spoke about the costs associated with a large overhang. Ms. Minnet thought she was okay with the next recommendation. She was only trying to see if there could be a protected, larger walking area. Ms. Connors said this could be part of the recommendation for building interest with architectural diversity that will be discussed and voted upon a little later on. She said that they could add wording for shade, protection from the sun, or other suggestion but to be cognizant of not creating a cookie cutter design.

Mr. Graziano made a motion to approve reducing the front setback requirements in the B1A District and amend the setback requirements in the B1 District to require most commercial buildings be built at the front of the property line. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Discussion ensued about some type of shade for the sidewalk. Mr. Lanata said you would have to have a zero lot line if you wanted to shade the sidewalk. Discussion ensued about having an eyebrow or other architectural structure on the first floor to create shade on the street.

Mr. Graziano made a motion to approve the requirement for architectural diversity on the first floor with a structure to create shade on the street. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. Connors said that the second and third floors needed to be discussed. The building facade on the second or third stories should incorporate features such as a minimum of a 5' balcony

with a minimum length of 25% of the building's length. The Town was also recommending amending the existing regulations on balconies to remove the restriction to allow roofs and to support structure above for architectural variety. Ms. McCormack liked the statement and creativity of architectural diversity without it being too much. Ms. Connors said that all new buildings have to go through architectural review. Ms. Minnet did not think that 25% of the building's length for a balcony would make that much of an impact. She would like to see a minimum of at least 50%. Ms. Connors suggested language that makes this subject to review and approval of the Town's architect during the architectural review process. Ms. Mehafeey explained that architectural review is more likely to say if the feature works or not in that location or on the building. The review would probably not move the 25% of the building's length to a higher percentage. Ms. Minnet feels the 25% of the Mid-Century Modern characteristics is too low and would like 40% which would be subject to approval of the architectural review process.

Mr. Graziano made a motion to approve the requirement for the building's facade on the second or third stories incorporate features such as a minimum of a 5' balcony with a minimum length of 40% of the building's length subject to the review and approval through the architectural review process. Staff amended the existing regulations on balconies to remove the restriction to allow roofs and to support structures above for architectural variety. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. McCormack made a motion to approve prohibiting parking along primary street frontage (unless waterfront property). The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Graziano had a question on the next item, curb cuts. He did not want to restrict businesses from doing business. Ms. Connors read into the record the proposed language in the ordinance to answer his question.

Mr. Lanata made a motion to approve prohibiting access to parking areas on Commercial Boulevard. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. McCormack made a motion to approve requiring buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. Connors asked the board members to turn to page 27 in the ordinance with the proposed changes because it contains the mixed use language in the code. She also said that page 5 of the staff report lists the amendments. She explained that the way mixed use is now and how the language was clarified. Mixed use is not allowed on the first floor. The first floor has to be commercial. The residential aspect of the building cannot exceed 50% of the square footage of the building. Residential cannot be the primary usage in the business districts. Now in the code, you can never have commercial above residential. Now mixed use would be allowed in the B1A District. Ms. Minnet does not have a problem with mixed use. She does have a problem with short-term rentals. It makes it difficult to maintain community standards with short-term rentals. She would be okay with long-term residential in that district. She does not want the hotels to compete with short-term rentals. She is not sure about the Affidavit of Understanding because those who move downtown know about the events held there. Mr. Graziano thinks there may be comments from the Chamber and the Hotel Industry. Ms. Minnet said that the Chamber was for promoting businesses and expressed concern for the short-term

rentals because of the hotels in Town. Mr. Lanata also is against short-term rentals. Discussion ensued and it was agreed to keep the Affidavit of Understanding.

Mr. Graziano made a motion to approve adding mixed use regulations in the B1A District and also in the area east of North Ocean Drive but to strike short-term rentals and add residential rentals in its place. This would also keep the Affidavit of Understanding. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. Connors said that the rest of the proposals is organizational. Ms. McCormack asked about the Town's requirement of one parking space for every residential unit on site in the B1 District. Ms. Connors explained that it was staff's recommendation because there needs to be a residential parking space for each unit and there was agreement.

Ms. Mehaffey said that there needs to be a motion for voting on the recommendation of the ordinance as a whole. She then summarized the changes that the board recommended. Mr. Graziano asked if a residential rental definition needed to be added. Ms. Mehaffey said that the short-term rental definition would be deleted. Ms. Mehaffey said that she and staff would take long-term residential definition into consideration as they draft the ordinance.

Mr. Graziano made a motion to recommend approval of the ordinance as drafted with the revisions to the first floor architecture, second floor architecture, and the removal of the short-term rental restrictions. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Mr. Graziano told Ms. Connors that she and staff did a great job on this. Ms. Connors said that she appreciated everyone's flexibility.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said that the next meeting would be the third Wednesday in January 2017 (1/18/2017). She wished everyone happy holidays.

8. ADJOURNMENT

As there was no other business to discuss and without objection, the meeting was adjourned at 7:14PM.

Chair John Lanata

ATTEST:

Date Accepted: _____

Development Services Director Linda Connors



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Katie Anderson, Events & Marketing Manager

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Special Event Application: Santa Paws December 2025

Explanation: Annie Berry (the "Applicant") with Wild Berry Salon, a business of the West Plaza District, has submitted a Special Event Application (**Exhibit 1**) for the inaugural Santa Paws event (the "Event").

The Event, scheduled to take place on both Friday, December 12th and Friday, December 19th, is planned to be held in front of the Wild Berry and Big Cat Bikes storefronts, as well as in the breezeway in between Big Cat Bikes and the adjacent building.

Santa Paws is a four-hour event designed to run on a flow. Attendees are invited to come together to experience Sting Ray Plaza with their furry friend to enjoy some festive holiday cheer. Santa will make an appearance in front of a coastal Christmas-styled backdrop for photo keepsakes. A professional photographer, onsite printing, and fun props will be provided to ensure a quality experience for all. In addition to photos, music and raffle opportunities will be onsite. Complimentary wine provided by Wild Berry Salon will be served in front of their storefront. Guests will leave with a thank you treat for coming by and supporting.

SANTA PAWS CELEBRATION FRIDAY, DECEMBER 12 FRIDAY, DECEMBER 19	
Start of Setup:	11:00 AM
Event Start:	4:00 PM
Event Ends:	8:00 PM
Cleanup Concludes:	9:00 PM

The Applicant anticipates approximately 30 guests on a flow per event. A group of ten volunteers will assist in the setup, execution, and cleanup of the event. Volunteer activities will include, but not be limited to, check-in of attendees, acceptance of donations, organizing and

monitoring the queue of guests waiting for their photo to be taken, and more.

There will be a \$30 charge for this event, with additional photos being charged at \$10 per photo. Monies raised from this event will benefit Ruff Rescue Transport, a 501(c)(3) organization.

Per the application, the Applicant is requesting the use of Town Adirondak chairs for the photo-op setup. Any additional decor of the Town's will need to be discussed and approved by the Town Manager.

As the event features four-legged companions, water bowls, cleanup bags, and additional trash receptacles will be provided by the Applicant. The Applicant understands that all pets must remain on a 6' leash at all times.

The Applicant is also requesting use of two (2) of the Town's electrical outlets for the event. Per Resolution 2024-29 (**Exhibit 2**), the resolution waives the \$50 electrical fee for West Plaza Businesses. The Applicant is requesting waiver of the fee for usage of a second outlet.

Pre-recorded music, or an acoustic guitarist, are planned to enhance the event. All sound will stay in accordance with Section 13-6 of the Town's Code.

Restrooms at both Big Cat Bikes and Wild Berry Salon will be available for attendees.

No parking concessions have been requested or approved, so parking will operate per regular Town standards.

The Applicant has paid the \$50 application fee.

Recommendation: Staff recommends approval of the event application based on the conditions outlined in the Event Permit (**Exhibit 3**).

Exhibits:

1. Sp. Event Application Santa Paws December 2025
2. Resolution 2024-29
3. LBTS Special Event Permit_Santa Paws December 2025



SPECIAL EVENT APPLICATION

Submit this completed application at least 60 days prior to the proposed date of your event.

DETAILED SITE PLAN REQUIRED (see details at end of application)
 Site Plans often do not include details that are necessary to approve an application or to issue a permit and delays are caused by rejections of initial applications.

Once you have completed the written portion of the application, provide a Site Plan on the last page or attach separately to this application.

Name of Event: Santa Paws by the Sea

Event Purpose, Description and Activities: Photos with Santa and your pet Fundrasier

New Event X **or Returning Event** _____ **Previous Attendance** _____

Day(s) and Date(s) of Event: December 12 and Dec ember 129th both 4-8pm

Proposed location of the Event (location, streets, landmarks):

262 Commercial Blvd LBTS Sting Ray Plaza

How many people do you anticipate on site at any peak time?

Participants: 30-40 #Spectators 30-40 #Adult volunteers: 10

Please complete the following table:

Activity	Day	Time
Start of set-up:	12/12- 12/19	11am
Start time of the Event:	12/12- 12/19	4 pm
EVENT	12/12- 12/19	
End time of the Event:	12/12- 12/19	8 pm
Start of Clean up:	12/12- 12/19	8pm
Clean-up completed by: (Site restored to original condition)	12/12- 12/19	9pm

Name and address of host or sponsoring organization:

Is applicant a Non-Profit Organization? See Attached

YES NO

Please attach Organization's proof of 501c3 IRS exemption, background, history, accomplishments, and other events:

Person submitting Application (“Responsible Party”):

Name: Anna Berry

Mailing address: 262 Commercial Blvd LBTS Sting Ray Plaza

Phone: 9545522458

Mobile phone: 9542684924

Email: annie@thewildberrysalon.com

Fax:

Representative(s) who will be at each day of the event:

Name(s): Jose Torres

Mailing address: 262 Commercial Blvd LBTS Sting Ray Plaza

Phone:

Mobile phone: 6313162999

Evening phone:

Fax:

Email: j26ltorres@gmail.com

Add information as necessary:

Will you have an event contractor or planner?

YES NO

If yes, please provide the contact information of your event contractor (event planner)

Name:

Company Name:

Business Address:

Company Email:

Phone Office:

Phone Mobile:

List contractors that will be on site before, during or after the event (use separate page if needed) – final list required 30 days prior to event.

Request for Town Involvement:

Are you requesting the Town be involved with this event in any way? YES NO

If yes, describe services requested, if any: Extra Anderondex chairs and tables, christmas lights anything they can offer beach themed

STATEMENT OF BENEFIT

If the applicant is seeking sponsorship/co-sponsorship from the Town of Lauderdale-By-The-Sea, a Statement of Benefit is required by Town Code and shall be included here or attached to this application.

If the Town is a sponsor or co-sponsor of the event, the Applicant shall keep financial records of the event sufficient to document all revenues and expenditures. These records shall be available at reasonable time within Broward County for inspection by the Town.

(Insert here or denote if attached)

FEES

Are there fees or donations collected on site from the participants or spectators?

YES NO

If yes, provide details: \$30 per photo and \$10 per extra photos raffle drawings, we have to rent and buy props and printer, pay Santa, and photographer

SOUND SYSTEMS

The event sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. Violations of the Town's noise ordinance are grounds for the immediate termination of the source of the noise and may be grounds to terminate the event.

Do you plan to use amplified sound? Provide details, time and location, and if you require electrical connections for:

☒ Proposed amplified sound/speaker system:

☒ Proposed live music: List genre, type, ambiance:

☒ Planned recorded music

☒ Do you require electrical connections for any of the above? Please give details:

CLEAN EVENT STANDARDS

Keeping the event area clean during the event and immediately following the event, including trash removal, walkways, and streets, is the responsibility of the applicant. See Clean Up Deposit under Conditions

Please note that, except for very small events, all events shall provide a recycling plan and follow recycling requirements. See Recycling Requirements under Conditions. For more info email recycle@lbts-fl.gov.

Name the contractor or organization (including contact information) who is responsible for your Event's recycling:

Name: na

Email:

Address:

Daytime phone:

Mobile phone:

TENTS, CANOPIES, STAGES, BLEACHERS

Tents are generally defined as temporary structures having two or more sidewalls or drops.

A canopy is a tent without sides.

All Tents, canopies larger than 120 sq. ft., multiple canopies without separation, and stages require a building permit. The use of tents or large canopies require approval of the LBTS Fire Marshal and are required to have building permits obtained via LBTS Building Department prior to Event. Manufacture labels are required to be attached to the tents and canopies.

Rental agencies shall provide documentation of the flame spread labeling of 25 or less submitted with application. All canopies larger than 120 sq. ft. shall submit copies the manufacture's labels attached to the tents or canopies with application.

Stages and bleachers shall include product approvals that are supplied by the manufacturer.

Indicate if any of the following will be assembled at the Event and include locations on Site Plan. List sizes and numbers of each:

Tents: 1 10x10
Canopies: _____
Stages: _____
Bleachers: _____ list size and max load:

UTILITIES

All utilities requirements shall be approved by the Director of Development Services and the Fire Marshall prior to Application submission to Town Commission.

Depending on location of event, electrical and/or water may be available from the Town for a fee.

*Electrical Requirements: Electrical work requires an Electrical Building Permit.
Generators over 5KW require an Electrical Building Permit.
A Florida Licensed Electrical Contractor is required to obtain permits.*

All electrical requests shall meet the requirements of the Florida Building Code with final approval from the Town's Building Official at least 30 days prior to the Event. Contractor is required to schedule and successfully complete inspection of work prior to Event opening. Florida Building Code 101.4.1, 105.4.5.

Will any **electrical equipment be installed** in conjunction with the Special Event? (i.e. lighting in tents, outlets for cooking, stages, etc.) Yes ☐ NO ☒

If the Event requires the following on public property, list what equipment is to be installed and locations (include voltage, amperage, and phases of wiring) as well as company name providing the equipment. Describe below, include location and use, and also include locations on Site Plan:

_____ Electrical power:
_____ Water:
_____ Gas, propane, BBQ grills, generators:
_____ Fuel Storage:

SIGNAGE

All signage shall be included in the application if you wish to exceed the Town Code requirements. Signage shall be reviewed by Development Services (LindaC@lbt-s-fl.gov) before Application is submitted to Town Commission). No signage shall be installed without permit.

Information on signage shall include location, colors, size and number of signs. Indicate signage to be placed in any right of way that directs traffic to the Event and their approximate size.

Are you requesting permission to erect signage for this Event? YES NO ☒

For each sign please provide:

Description, number of signs, proposed dates, location, size of signs in square feet and letter size:

to be determined

Include sign locations on detailed Site Plan or attach a separate sheet.

RESTROOMS (show on Site Plan)

TybbBerpe text here

The number of portable toilets required depends on the number of attendees, length and type of event, as determined by the Building Official.

Local businesses that have more than the required number of restroom facilities that allow their facilities to be used may count towards the extra restroom facilities required.

If Event is downtown, permit holder is required to obtain written approval from restaurants to allow participants to use their restroom facilities.

Number of restroom facilities required by Town: TBD

Number of additional restroom facilities, and type, that will be on event site: na
(Show on Site Plan)

STREET CLOSURES

Street closures may be required at the Event's expense

Are you requesting that any public streets be closed for the Event? YES NO ^x
I don't know, please advise _____

If yes, indicate the streets and blocks and times the closure is requested:

TRAFFIC CONTROL/BARRICADES

A traffic control contractor may be required for events which require barricades or traffic control signage.

Please list your traffic control contractor, if applicable:

VEHICLES

Vehicles are not allowed to drive or park on Town property or park grounds due to damage to underground irrigation systems and to the sod. Applicant shall be responsible for restoration of any damage to Town property.

Are you requesting to drive or park on town property or park grounds: YES NO ^x

If you are requesting that vehicles be permitted to drive or park on Town property, please indicate the type(s) of vehicles, the locations, and times they would be parked. Must be approved by Town's Parking Department prior to Event.

LOADING/UNLOADING: If you are requesting that vehicles be permitted to load/unload in non-metered areas, please indicate the location and times loading and unloading would occur:

TRAFFIC CONTROL PLAN

Parking exemptions shall be approved by Assistant Town Manager prior to Application submission to Town Commission). Town may block spaces for safety and other reasons at the expense of the Event.

Include detailed Site Plan indicating how on and off street parking will be accommodated.

Are you requesting the reservation of any Town parking meter spaces for the Event?
YES NO^x

If yes, provide the meter numbers on the Site Plan and purpose for which they will be used.

All parking meter fees are paid 30 days prior to the event.

OFF DUTY POLICE/CODE COMPLIANCE OFFICERS

Off duty police officers are required, at the applicant's expense, for street closures, events with alcohol, or large crowds, as determined by the Sheriff's Department. Large events may require a code compliance officer to ensure compliance with Town codes.

Do you anticipate needing off duty police officers for your Event? YES NO ^x
Do you anticipate needing code compliance officers for your Event? YES NO ^x

CONCESSIONS:

A no-compete clause pertaining to local restaurants will be required where applicable.

Are you planning to have any type of concessions? YES NO ^x

If YES, has the Florida Health Department approved the food vending Site Plans?

YES NO ^x

If yes, is the food provided by a Non-Profit _____ or For Profit _____ organization?

Is the food free of charge _____ or for sale _____

Do all food vendors have a temporary food service permit? YES NO ^x

Please list the types of food that will be served:

Are you requesting any of the following types of cooking equipment be used on site:

Charcoal Grills _____	Sterno _____	Fryers _____	Open fires _____
Propane Grills _____	Refrigerators _____	Smokers _____	Hoods _____
Concession trailers _____	Warmers _____	LP Tanks _____	Other _____

Provide details of dispensing locations here and on Site Plan

ALCOHOL

State license is required to be submitted to the Town at least 30 days prior to the event

Are you planning on selling alcoholic beverages at the event? YES NO complimentary

If YES, has a liquor permit been obtained from the State of Florida? YES NO

Provide details of dispensing locations here and on Site Plan

Provide contact information for all license holders that will be serving alcohol:

VENDORS

A list of all vendors their company name is required for initial approval and final list is required 30 days prior to event and subject to approval (add here or on separate page, and vendor location on site Plan):

Name	na	Company	Vendor Type
------	----	---------	-------------

ANIMALS

Any exhibition or similar undertaking in which animals are required to participate in performances for the amusement or entertainment of an audience is subject to Town Commission approval.

Are animals included in your event? x YES NO
If yes, please give details: Behaved leashed pets for photois

FIREWORKS

(Fireworks require a separate permit approval process and application)

Are you requesting approval to discharge fireworks at the event? YES NOx

SALE OF MERCHANDISE

Are you requesting approval to offer other items for sale at the event? YES NO x
List items for sale:

RIDES

Rides or other amusement may require a State of Florida inspection

Copies of contracts with any provider of rides, mechanical devices and amusements shall be submitted to the Town at least 30-days prior to the event.

Are rides to be included in the Event? YES NOx
If yes, please provide the number and description of each type:

- Mechanical/Electrical:
- Inflatable (bounce house etc.):
- Manual (slides, trampolines):
- Other:

NO BALLOONS RELEASED

When balloons are released over the ocean, they become a major source of pollution and significantly increase the mortality rate among sea turtles, birds and other marine life. Sea turtles and fish often mistake the balloons for jellyfish, eat them and die when their stomachs become blocked. Birds can become entangled in the balloon strings and drown. To help reduce the threats caused by balloons, I agree that there will be no release of balloons at this event and I have been informed that the release of balloons is illegal under Florida Statute 379.233. Balloons may be used for decorations at an event but they must either be deflated or taken home at the end of the event, NEVER released into the air. Failure to abide by this requirement will result in the cancellation of the current Event and denial of future special event permits.

I agree no balloons will be released ab

FIRE WATCH or EMS ONSITE

If required by the Fire Marshall, the applicant shall provide for a fire watch and/or an EMS Crew during the event. Large events or those using combustible materials may require qualified stand-by personnel and the appropriate equipment, the cost of which is the responsibility of the applicant.

First Aid facilities may be required by Town at Event's expense. Initial ab

INSURANCE

Insurance requirements differ depending on the type of event and if alcohol is served.

For events not serving alcohol and without fireworks, the Applicants shall provide a Certificate of Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty days written notice required for cancellation.

Certificate of Liability Insurance naming the Town as additional insured is required from all Event businesses, promoters, and other related event planners

An approved form of a Certificate of Liability Insurance may be required with your Application for approval by the Town Commission and/or shall be provided the Town at least 30 days prior to the Event date.

Talk to Town Staff representative if your Event proposes serving alcohol or having fireworks about insurance requirements, as both require additional insurance.

Do you and all parties involved have the required insurance coverage needed for this Event?
X YES NO

EVENT CONDITIONS

Approval for this Event shall expire without future action of the Town if all documents such as but not limited to insurance certificates, health and liquor licenses, BSO police detail contract(s), Fire Marshall or Development Services approvals, MOT Plan, Solid Waste Plan, final Site Plan, any monies due to Town, and other material requirements are not submitted at least 30 days prior to the Event.

Copies of State and County licenses for all vendors and contractors shall be filed with the Town 30 days in advance of the Event. (Final list of vendors and their locations shall be submitted to the Town no later than two weeks prior to the event unless otherwise approved in advance by Town)

If the Event is approved by the Commission, they will establish the Event conditions that the application shall abide by during the Event. Standard Conditions shall include, but are not limited to the following:

1. Permission for this Event may be suspended or modified by the Commission, Town Manager or his designated Staff.
2. Turtle Clause: If any of the set-up will take place on the beach sand please avoid any marked sea turtle nests with a minimum buffer of 30 feet.
3. Setup of the Event will start at about 11am and the area will be cleaned and open by 9pm
4. The Police Chief shall specify the number of BSO detail officers needed for traffic and crowd control. The Applicants shall contract with BSO Detail Office for the detail BSO deputies within ten (10) days of receiving Event approval.

5. The Police Chief shall approve the Applicant's Maintenance of Traffic Plan (MOT), if one is required.
6. The Applicants shall submit a solid waste and recycling plan for approval at least 30 days prior to the Event to the Municipal Services Director. The Applicant shall provide additional waste receptacles and recycling bins. During the event as needed and at the end of the event, the Applicant shall empty all of the waste receptacles and recycling bins and pick up litter within the event site and 100 feet of the site.
7. All signage will be approved and permitted with Development Services at least 30 days prior to the event
8. All related Fire Marshall and Building Official's related requirements have been approved
9. Provide proof of additional restroom facilities ordered at least 30 days prior to event
10. The event and its approved sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. All music shall end promptly at 9pm pm.
11. The event site shall be organized in a safe manner to protect attendees. All electric cords and similar material shall be covered so as to not pose a hazard to the public or event staff, or will be battery operated.
12. Parking Requirements have been identified, fees paid and listed on site plan
13. The Applicant shall provide a written notice to all properties affected by this event by (date), (30 days in advance) for approval prior to distribution; and confirm in writing which properties have been notified.
14. Clean up Deposit may be imposed, based on the final Site Plan, and due two weeks prior to the event.
15. Clean up fee starting at \$150 will be charged if area is not cleaned to Town standards.
16. Final Site Plan must be presented for approval at least 48 hours in advance of the event.
17. Streets and sidewalks will be free of any debris and cleaned at the end of tear down.
18. A Damage Deposit may be imposed, based on size of event and location.
19. There will be no release of balloons at this Event.
20. Any inspections or work required by Town Staff after normal working hours will incur additional costs set forth by the respective department.
21. Upon showing by the Applicant of a valid reason, or if required by the Town, the Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special Events.
22. The Applicant shall meet the following minimum insurance requirements per Ordinance 2015-06, which may be modified by action of the Town Commission for a specific Event:
 - a) Prior to issuance of the requested permit, proof of commercial general liability insurance, whether through a single policy, or a combination of policies, in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury and property damage.
 - b) No required policy shall have a deductible or self-insurance retention greater than \$15,000.
 - c) All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance shall provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any Event, the Applicants shall be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement shall be issued as part of any required policies. The Applicants shall provide an original certificate of insurance as evidence of continued coverage prior to any annual renewal of the permit. Failure

to comply with these requirements shall justify a denial, suspension or revocation of the requested approval by the Town Manager or designee.

- d) In the Event that control of any applicable Event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Applicant (the "sub-applicant"), the sub-applicant shall provide insurance and indemnification meeting the requirements of this Section under which the Applicant is applying, as if they were the Applicant and shall be held responsible for compliance with the Town Code as if the sub-applicant were the Applicant.
 - e) If applicable, at least thirty (30) days prior to the first Event, the Applicants shall provide a Certificate of Liquor Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage, which provides coverage for each Event authorized by this permit. The Certificate shall specify that the Town will be given at least thirty (30) days written notice of any cancellation.
23. In the Event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for this Event shall expire unless the Town Manager finds there are extenuating circumstances that the Event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the Event, without increasing the administration costs of the Town.
24. Applicant shall owe no monies to the Town at the time of the Event. There shall be no past due fines, moneys, fees, taxes or other charges owed to the Town by the current or past property owners or operators requesting the special Event permit. A special Event permit will not be issued until all past due debts to the Town are paid in full.
25. The Town Manager may suspend permission for this Event due to failure of the Applicants to comply with the terms and conditions of the Town's permit, due to conflicting activities, for health or safety issues, or for the best interests of the Town.
26. The onsite Town representative may terminate an Event due to the Applicant not complying with the terms and conditions of the Town's Event permit, for health or safety issues, and for such as but not limited to, crowds that exceed the capacity of the Event site.

INDEMNIFICATION

Applicant shall indemnify, defend and hold harmless the Town, its officers, agents and employees, from and against any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising directly or indirectly from this Special Event and resulting or accruing from any intentional act or any negligent act, omission or error of Applicant which in turn results in or relates to injuries to body, life, limb or property sustained in, about or upon the Special Event Area, and arising from the use of the Town property.

Applicant shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the Town as a result of any claim, suit or cause of action accruing or in any way arising out of this Special Event Application for injuries to body, life, limb or property as set forth above.

Applicant shall save the Town harmless from and against all judgments, orders, decrees, attorneys' fees, costs, expenses and liabilities incurred in and about any claim, and the investigation or defense of them, which maybe entered, incurred or assessed as result of the foregoing.

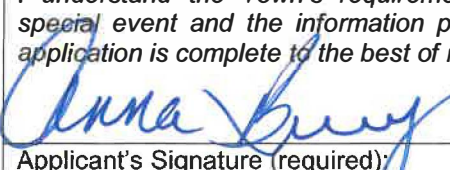
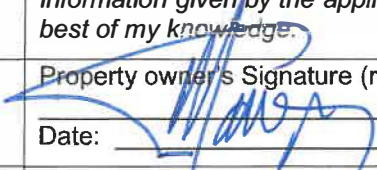
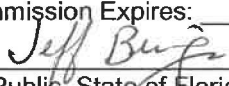
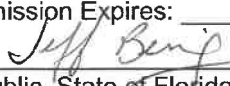
PERMISSION OF THE PROPERTY OWNER

Applicant's and Property Owner's Certification

An event held on property that is not owned by the applicant requires the permission of the property owner, which is granted by having the property owner sign this special event application.

By signing this event application, the petitioner agrees to all terms, conditions, and indemnification in this application, and understands that this application or the approval of this event application by the Town Commission does not grant any permission to violate any laws, ordinances or statutes.

Additions and/or revisions to this application must be submitted in writing.

Applicant	Property Owner
I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.	I give the applicant permission to use my/our property for the proposed special event and I understand the Town's requirements to hold a special event and the information given by the applicant is complete to the best of my knowledge.
 Applicant's Signature (required): Date: <u>9-18-25</u>	 Property owner's Signature (required): Date: <u>9/18/25</u>
Applicant's (Print information below) Name: <u>Anna Berry</u> Title: <u>owner</u> Organization: <u>The Wild Berry Salon</u> Telephone: <u>954 552 2458</u> Mobile: <u>"</u> Email: <u>anna@thewildberrysalon.com</u>	Property Owner's (Print information below) Name: <u>ERIC MAUGEE</u> Title: <u>President</u> Organization: <u>FPA, INC</u> Telephone: <u>954 776 5170</u> Mobile: <u>954 471 0349</u> Email: <u>emaugee@floridapmach.com</u>
 STATE OF FLORIDA COUNTY OF BROWARD Jeff Berrigan Comm.: HH 353234 Expires: January 24, 2027 Notary Public - State of Florida	 STATE OF FLORIDA COUNTY OF BROWARD Jeff Berrigan Comm.: HH 353234 Expires: January 24, 2027 Notary Public - State of Florida
SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by <u>Anna Berry</u> who is personally known to me/provided <u>Drivers License</u> as identification and who did/did not take an oath.	SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by <u>Eric Maugee</u> who is personally known to me/provided _____ as identification and who did/did not take an oath.
My Commission Expires: <u>1/24/27</u>  Notary Public, State of Florida	My Commission Expires: <u>1/24/27</u>  Notary Public, State of Florida

SITE PLAN DETAILS

Site Plans often do not include the details that are necessary to approve an application or to issue a permit and delays are caused by rejections of initial applications.

The following details are intended to be a guide to assist you in developing a Site Plan. A current survey of the property is most helpful. If a survey is not available, a drawing depicting the area of the Event should include these details, as necessary. More than a one page Site Plan may be included in your application if details of specific areas are important to your Event.

*A detailed map of the Event site identifying location of each of the following **MUST** be drawn here or attached to this application prior to submission. Dimensions are required to determine if available site will support all of the proposed activities.*

Cooking Areas need to be separated from public areas with fences or barricades

Canopy, tents or other covers: locations should include the size, type, & (shelter, vending, food, EMS)

Location:

- The site of the event, with streets, parks and other landmarks identified
- Routes for races, parades, etc.
- Traffic routing and road closures
- Ticket Kiosks
- Access control points
- Signage (*shall be approved by Development Services prior to Application submission to Town Commission*)
- Signs (location, size, color and wording)*

Public Services:

- Fire lanes (emergency access for fire equipment and EMS)
- Restroom facilities (incl. Portable & Private)
- Locate electrical equipment, permanent and temporary (temporary electrical installation (must be to code and approved by Town)
- Trash and Recycling receptacle locations
- Smoking and No Smoking areas
- Pedestrian walkways
- Garbage Cans
- Recycling Bins

Hazard/ Precautions:

- Hazards at the site (ditches, construction areas, obstructions to pedestrian traffic, bodies of water)
- Fencing, barriers, barricades, walls, gates, etc.
- Gasoline, propane, grills, fire, charcoal, generators, any other flammable fuel
- Fuel Storage and dispensing areas
- Fire Extinguishers Minimum size 4A/10BC one every 75 ft. of travel. If cooking, Class K or 1 40BC rated Fire Extinguisher for every cooking station or canopy (at discretion of Fire Marshall)
- Generators (shall be approved by Fire Marshall in advance)

Event:

- Canopies, tents, stages (types shall be specified) locations for sales, food service, etc. *Large tents will require Fire Marshall approval of illuminated exit signs and fire extinguishers*
- Vendor locations (booths or tables and approximate size, (Vendor's company names phone numbers and email addresses required on separate page at least 48 hours in advance of the Event)
- Restrooms – Portable and Private
- First Aid facilities
- Trailers, storage, sleeping facilities, service boxes, displays, etc.
- Alcohol serving/consuming areas
- Rides and Amusements, Rides, demonstrations, performance areas and stages including Musicians and Artists

Parking:

- Parking areas, location, parking spaces, and parking space numbers that will be blocked; to load/unload before, during or after the event and the amount of time for each occurrence

Code or Security Enforcement (paid by Event)

- EMS stand-by or Fire watch areas (include first aid stations)
- Police: Off duty police officers (if known)

we will have
Water Stations for Pets
Poopy Bags / trash cans

DETAILED SITE PLAN

See above for inclusion examples

A detailed map of the event site identifying location of each of the following **MUST** be drawn here or attached to this application prior to submission. Dimensions are required to determine if available site will support all of the proposed activities.



x High top table
exit

entrance

Anna

Applicant's Certification

By signing this event application, the petitioner agrees to all terms, conditions, and indemnification in this application, and understands that this application or the approval of this event application by the Town Commission does not grant any permission to violate any laws, ordinances or statutes.

Additions and/or revisions to this application shall be submitted in writing.

I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.

Anna Berry
Applicant's Signature (required)

8-18-25
Date

ANNA BERRY
Applicant's Printed Name and Title/Organization

954 552 2458
Telephone Number

STATE OF FLORIDA:
COUNTY OF BROWARD:



Jeff Berrigan
Comm.: HH 353234
Expires: January 24, 2027
Notary Public - State of Florida

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida,
by Anna Berry who is personally known to me/provided
Drivers License as identification and who did/did not take an oath.

Jeff Berrigan
Notary Public, State of Florida
My Commission Expires: 1/24/27



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

RUFF RESCUE TRANSPORT INC
C/O DIANE CHARBONNEAU
2771 NE 15TH STREET
POMPANO BEACH, FL 33062

Date: 05/14/2024
Employer ID number: 99-2851804
Person to contact: Name: Customer Service
ID number: 31954
Telephone: 877-829-5500
Accounting period ending: December 31
Public charity status: 509(a)(2)
Form 990 / 990-EZ / 990-N required: Yes
Effective date of exemption: May 03, 2024
Contribution deductibility: Yes
Addendum applies: No
DLN: 26053527009774

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

Letter 947 (Rev. 2-2020)
Catalog Number: 301529



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/27/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Simply Business 53 State Street 19th Floor Boston, MA 02109	CONTACT NAME:	Simply Business		
		PHONE (A/C, No, Ext):	(844) 654-7272	FAX (A/C, No):	
		E-MAIL ADDRESS:	contactus@simplybusiness.com		
		INSURER(S) AFFORDING COVERAGE	NAIC #		
		INSURER A:	Hiscox Insurance Company Inc 10200		
INSURED	Jamin Jam LLC / DBA The Wild Berry Salon 262 Commercial Blvd Unit B Fort Lauderdale, Florida 33308	INSURER B:			
		INSURER C:			
		INSURER D:			
		INSURER E:			
		INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		HIUS3526434XB4	05/01/2025	05/01/2026	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG Equal to Gen. Agg.
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION						EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE Y/N ☐ OFFICER/MEMBER EXCLUDED? (Mandatory in NH) N/A ☐ If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
	PROFESSIONAL LIABILITY						EACH CLAIM AGGREGATE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
BUSINESS PERSONAL PROPERTY: \$10,000
Certificate holder is included as an additional insured on the General Liability policy per written contract.

CERTIFICATE HOLDER

The Town of Lauderdale By The Sea,
501 Ocean Dr,
Lauderdale By The Sea, FL 33308

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/17/2025

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IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Event Helper Customer Service	
	Gaslamp Insurance Services	PHONE (A/C, No, Ext): (855) 493-8368	FAX (A/C, No):
	DBA Event Helper Insurance Services	E-MAIL ADDRESS: info@theeventhelper.com	
	PO Box 1549		
	Grass Valley CA 95945	INSURER(S) AFFORDING COVERAGE	
INSURED Jamin Jam, LLC c/o Anna Berry 262 Commercial Blvd Fort Lauderdale FL 33308		INSURER A : Lloyds Syndicate 2623 82%	NAIC # AA-1128623
		INSURER B : Lloyds Syndicate 623 18%	AA-1126623
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	Y	N	EH-771325-L4387636	SEE BELOW	SEE BELOW	EACH OCCURRENCE \$ 1,000,000
	☒ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES \$ 100,000
	Host Liquor Liability						MED EXP (Any one person) \$ 5,000
	☒ Retail Liquor Liability						PERSONAL & ADV INJURY \$ 1,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:					12:01 AM	12:01 AM	GENERAL AGGREGATE \$ 2,000,000
☒ POLICY ☐ PROJECT ☐ LOC							PRODUCTS - COMP/OP AGG \$ 2,000,000
OTHER:							Deductible \$ 1,000
AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident) \$
☐ ANY AUTO							BODILY INJURY (Per person) \$
☐ OWNED AUTOS ONLY	☐ SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
☐ HIRED AUTOS ONLY	☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
UMBRELLA LIAB							EACH OCCURRENCE \$
☐ EXCESS LIAB	☐ OCCUR ☐ CLAIMS-MADE						AGGREGATE \$
☐ DED ☐ RETENTION \$							\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							PER STATUTE ☐ OTH-ER ☐
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N N/A							E.L. EACH ACCIDENT \$
If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached CG 20 26 04 13 for the following dates: 12/12/2025 & 12/19/2025. Attendance: 100, Event Type: Bartender at an Event. Policy includes a 36 month Extended Reporting Period. Damage to Premises Rented (Other than Fire) included in the Each Occurrence Limit shown above.

CERTIFICATE HOLDER**CANCELLATION**

The Town of Lauderdale by the Sea 4501 N OCEAN DR LAUDERDALE BY THE SEA FL 33308	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

© 1988-2015 ACORD CORPORATION. All rights reserved.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.
ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

Schedule

Name of Additional Insured Person(s) or Organization(s):

The Town of Lauderdale by the Sea
4501 N OCEAN DR
LAUDERDALE BY THE SEA, FL 33308

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **SECTION II - WHO IS AN INSURED** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. in the performance of your ongoing operations; or
2. in connection with your premises owned by or rented to you.

However:

1. the insurance afforded to such additional insured only applies to the extent permitted by law; and
2. if coverage provided to the Additional Insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these Additional Insureds, the following is added to **SECTION III - LIMITS OF INSURANCE**:

If coverage provided to the Additional Insured is required by a contract or agreement, the most we will pay on behalf of the Additional Insured is the amount of insurance:

1. required by the contract or agreement; or
2. available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/17/2025

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IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Event Helper Customer Service	
	Gaslamp Insurance Services	PHONE (A/C, No, Ext): (855) 493-8368	FAX (A/C, No):
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	PO Box 1549		
	Grass Valley CA 95945	INSURER(S) AFFORDING COVERAGE	
INSURED		INSURER A: Lloyds Syndicate 2623 82%	NAIC # AA-1128623
Jamin Jam, LLC		INSURER B: Lloyds Syndicate 623 18%	AA-1126623
c/o Anna Berry		INSURER C:	
262 Commercial Blvd		INSURER D:	
Fort Lauderdale FL 33308		INSURER E:	
		INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			EH-771325-L4387636	SEE BELOW 12:01 AM	SEE BELOW 12:01 AM	EACH OCCURRENCE \$ 1,000,000
	☒ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES \$ 100,000
	Host Liquor Liability						MED EXP (Any one person) \$ 5,000
	☒ Retail Liquor Liability	Y	N				PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☒ POLICY ☐ PROJECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						Deductible \$ 1,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ONLY	☐ NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB	☐ OCCUR					AGGREGATE \$
		☐ CLAIMS-MADE					\$
	DED ☐ RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE ☐ OTH-ER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N ☐	N / A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached CG 20 26 04 13 for the following dates: 12/12/2025 & 12/19/2025. Attendance: 100, Event Type: Bartender at an Event. Policy includes a 36 month Extended Reporting Period. Damage to Premises Rented (Other than Fire) included in the Each Occurrence Limit shown above.

CERTIFICATE HOLDER**CANCELLATION**

The Town of Lauderdale by the Sea 4501 N OCEAN DR LAUDERDALE BY THE SEA FL 33308	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

© 1988-2015 ACORD CORPORATION. All rights reserved.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.
ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

Schedule

Name of Additional Insured Person(s) or Organization(s):

The Town of Lauderdale by the Sea
4501 N OCEAN DR
LAUDERDALE BY THE SEA, FL 33308

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **SECTION II - WHO IS AN INSURED** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. in the performance of your ongoing operations; or
2. in connection with your premises owned by or rented to you.

However:

1. the insurance afforded to such additional insured only applies to the extent permitted by law; and
2. if coverage provided to the Additional Insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these Additional Insureds, the following is added to **SECTION III - LIMITS OF INSURANCE**:

If coverage provided to the Additional Insured is required by a contract or agreement, the most we will pay on behalf of the Additional Insured is the amount of insurance:

1. required by the contract or agreement; or
2. available under the applicable Limits of Insurance shown in the Declarations;
whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

Santa Paws 2025

From Annie Berry <annie@thewildberrysalon.com>

Date Mon 9/29/2025 1:51 PM

To Katie Anderson <katiea@lauderdalebythesea-fl.gov>

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are <u>certain</u> they are safe.

Here is a detailed plan for Santa Paws 2025. Please advise when the permit will be on review.

We are excited to present the upcoming **Santa Paws Holiday Event**, a festive, beach-themed experience for families, pets, and our community. The following outlines how the event will be organized and flow on the day:

Guest Flow & Parking

- Parents and pet owners will park in front of the building.
- Guests will be directed to enter through the West side **of the building to the back of the building**, creating a smooth and organized flow.
- Enter the south end of the breezeway
- Upon entering, Santa and the photo booth will be located to the **left side of the breezeway**.

Santa Backdrop & Theme

- Backdrop design will incorporate **pallet wood, seashells, and Town-provided items** to tie in the Lauderdale-by-the-Sea brand.
- We plan to feature:
 - A palm tree decorated as a Christmas tree.
 - One or two surfboards as part of the scene.
 - Adirondack chairs for seating and photos.

Stations & Volunteers

- **Water stations** will be available for pets and families.
- **Volunteers** will be positioned at:

- The west end of the breezeway.
- The south side of the building.
- Their role will be to welcome guests, assist with directions, and help maintain flow.

Photography & Media

- **Main Photographer** at the Santa station, with photos displayed on a **TV monitor** for on-site viewing.
- **Print station** available so families can take home printed photos.
- **Second photographer** will walk through the event, capturing candid, fun moments of families and pets.

Community Fun & Fundraising

- **Raffle drawings** will be held during the event, with proceeds benefiting **Ruff Rescue Transport**, our nonprofit partner.

This layout ensures safety, smooth guest flow, and a festive, beach-inspired holiday environment that highlights our Town's unique charm while supporting a worthy cause.

We welcome Town assistance with backdrop items (palm tree décor, surfboards, Adirondack chairs, etc.) to bring the vision to life.

Warm regards,

Annie theberryaffect@gmail.com

The Wild Berry Salon

+19542684924

262 Commercial Blvd # B

33308, Lauderdale-by-the-Sea - United States of America

<https://thewildberrysalon.com> | annie@thewildberrysalon.com

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING AN UPDATED FEE SCHEDULE FOR SPECIAL EVENTS, AND OTHER USE OF PUBLIC PROPERTIES, BY AMENDING THE FEES RELATED TO SPECIAL EVENTS, PARK USES, AND STREET PERFORMERS; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, Resolution 2015-19 updated Development review fee schedule; and

WHEREAS, Resolution 2016-20 further updated the Development review fee schedule; and

WHEREAS, Resolution 2016-35 moved the fee schedules from Development to Administration for Special Events, Park Use Permits, Vending, Street Performing, and New Racks, and included in the fee schedule the plazas and pavilion, while also updating when payment of fees or monies are due to the Town; and

WHEREAS, Resolution 2017-06 updated Fee Schedule related to use of Jarvis Hall, and adopt limitations on the frequency of the use of Jarvis Hall; and

WHEREAS, pursuant to Section 1-13 of the Lauderdale-By-The-Sea Code of Ordinances, the Town Commission desires to further amend the Fee Schedule for Special Events and Other Use of Public Properties by amending the fees related to Special Events, Park Uses, Street Performers; and

WHEREAS, the Town Commission finds it to be in the best interest of the Town and its citizens to adopt an updated Fee Schedule for Special Events and Other Use of Public Properties that amends the fees related to Special Events, Park Uses, and Street Performers, and adopts the fees as set forth in this Resolution.

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

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

Section 2. Fees. The Fee Schedule for Special Events and Other Use of Public Properties, which includes the fees for the use of Jarvis Hall and the Plazas, is hereby amended as follows ¹:

<u>Special Event, Park Use, and Street Performing Fee Schedule for Special Events and Other Use of Public Properties</u>		
The following is applicable to all <u>special events</u> and <u>other use of public properties</u> park use permits :		
1. All applicants must abide by the conditions set forth in their permit, including but not limited to fees, deposits, insurance requirements, solid waste plan, and police, fire or EMS detail. 2. All fees, including any monies owed the Town must be paid before the event or park permit is issued. 3. All estimated fees or costs from Town or BSO shall be paid at least two weeks prior to the event date. Any additional costs incurred will be deducted from the event deposit or is due when invoiced. 4. Depending on the nature and size of the event, a deposit may be required as determined by the Town Manager.		
	Type of Activity, Permit or License	Fee
1. Chapter 14.3 – Parks A Park Permit is required for groups of 25 people plus or when a specific area is reserved. A Park Use Permit may not be approved if submitted within 14 business days of a proposed event.		
Private event in a park or at the beach where the public is not invited:		
1.1	Single day event, less than 25 people: No reserved area Reservation of a specific area.	No permit required <u>\$100125</u>
1.3	Single day event, 25 people + with or without reserved area.	<u>\$100125</u>
1.4	Multi-day event	<u>\$100125</u> Permit Fee plus an impact

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

Special Event, Park Use, and Street Performing
Fee Schedule for Special Events and Other Use of Public
Properties

1.5	One day event (local or non-local user) that charges admission or registration or sell commercial products or services.	fee set by the Town Manager based on the activity, number of attendees, and impact on the facility
2. Chapter 14.5 - Street Performing		
2.1	Street performing annual permit fee	\$50
3. Chapter 17 - Special Events		
3.1	Special Event Application Fee See also use fees. See 3.2 For events hosted by a businesses with less than 15 employees in the Commercial District along Commercial Boulevard from A1A to West Tradewinds Application filed within 30 days of an event will not be accepted.	
	1. A volunteer event that provides direct benefits to the LBTS community. (examples: beach clean-up, Easter egg hunt, free yoga and meditation, etc.)	-0- (Town Manager may authorize an application to be accepted within 30-days of the event)
	2. Submitted at least 60 days in advance of the proposed event date	<u>\$100</u> <u>125</u>
	3. Submitted between 59 days and 30 days prior to the event PLUS any costs related to special processing of the processing of the application.	<u>\$250</u> <u>275</u> Plus costs, not to exceed \$1,500.
	4. A recurring event within a 6 month period	<u>\$500</u> <u>525</u>
	5. A recurring event within a 12 month period (for example, once a week or once a month).	\$800
	6. An event that has been advertised prior to Commission approval.	\$250 in additional to the application fee
	7. Semi-public business events that use private or public property with less than 50 people at any one time.	<u>\$50</u> <u>75</u> Event may be approved by the Town Manager
	8. Events (local and non-local user)that charges admission or registration or sell commercial products or services	Set by the Town Manager based on purpose, number of attendees, and impact on the facility
3.2	Special Event Application Fee for West Commercial Business District Commercial District events may be approved by the Town Manager if the event is consistent with the Commission's policy direction on special events and meets the following criteria:	

Special Event, Park Use, and Street Performing Fee Schedule for Special Events and Other Use of Public Properties

1. Less than 75 people at any time 2. Located along Commercial Boulevard from Seagrape to West Tradewinds The \$2550 electrical use fee will be waived for usage of one 20-amp outlet at event Application filed within 30 days of an event will not be accepted.	
1. Submitted at least 60 days in advance of the proposed event date	\$2025
2. Submitted between 59 days and 30 days prior to the event PLUS any costs related to special processing of the processing of the application.	\$5060 Plus costs, not to exceed \$1,500.
3. A recurring event within a 12 month period (for example, once a week or once a month).	\$15 per event day
4. An event that has been advertised prior to Commission approval.	\$250 in additional to the application fee
5. Events that charges admission or registration or sell commercial products or services	Set by the Town Manager based on purpose, number of attendees, and impact on the area.

60

3.3	Special Event Use Fees for Road Closures and El Mar Median Lane Parking The following use fees are in addition to the Special Event Application Fee, but may be modified or waived by the Town Commission upon a finding that the applicable event will provide a public benefit.	
	Event Conditions:	Road Closure El Mar Median Lane Parking
	1. Private or public business events that use public property with less than 50 people at any one time.	N/A
	2. Less than 100 people	\$100125 per day
	3. 101 - 200 people	\$200225 per day
	4. More than 200 people	Set by Commission based on purpose, number of attendees, and impact
	5. Events (local or non-local user) that charges admission or registration or sell commercial products or services	Set by Commission based on purpose, number of attendees, and impact.

61

4. Chapter 17 - Jarvis Hall

User	Deposit	Rental Fee	Rental Policy (1) (2)
4.1. LBTS Resident (household)	\$100	\$-0-	Limit of 4 rentals in a twelve month period.
4.2. LBTS civic association, charity, community group, or non-profit organization.	\$100	\$-0-	Limit of 16 rentals in a twelve month period, which normally will be one per month plus special events.
4.3. LBTS Business	\$100	\$-0-	Limit of 3 rentals in a twelve month period.
4.4. Governmental entity or agency	\$-0-	\$-0-	As approved by the Town Manager
4.5. Out-of-Town charitable or non-profit	\$-0-	\$100 per day	Limit of 3 rentals in a twelve month period.
4.6. Non-Resident	\$300	\$200 for up to 3 hours, then \$50 per hour	Limit of 3 rentals in a twelve month period.
4.7. Out-of-Town Business	\$300	\$300 for up to 3 hours, then \$50 per hour	Limit of 3 rentals in a twelve month period.
4.8. Additional Service such as special set-ups, opening and closing services outside of business hours, or staffing at event.	Prepaid or charged to deposit	Actual cost determined by the Town Manager.	
4.9 Events (local or non-local user) that charge admission or registration or sell commercial products or services.	TBD	Set by the Town Manager based on purpose, number of attendees, and impact on the facility.	
(1) Each rental or event is limited to 3 consecutive days, which includes move in and move out. Upon the Applicant demonstrating a valid reason, or if required by the Town, the Town Manager may approve minor logistical changes, including but not limited to additional time for set-up and breakdown of events, that are consistent with the Town Code and the Town Commission’s policy direction on the use of Jarvis Hall.			
(2) A rental application denied by the Town Manager may be appealed to the Town Commission.			

62

5. Use of the Dunes Plaza, Connie Hoffmann Plaza or Beach Pavilion Plaza

General philosophy: The Dunes Plaza, Connie Hoffmann Plaza and Beach Pavilion (“**The Plazas**”) are the premier public spaces in Town and were built for the enjoyment of our residents and visitors. They are available for events that are open to the general public or are of significant benefit to the Town. The Use Fees are set so the users bear the costs related to their events, rather than the Town subsidizing those events.

Generally, The Plazas will not be rented for events that are not open to the general public, although it is understood that there may be uses that require an admission fee or cost to the public.

The Town Commission may authorize the private use of one or more plaza by a user for an event that is deemed to be of significant benefit to the Town. (Example: a party hosted by the Town and the Convention & Visitors’ Bureau whose purpose is to showcase the Town to visiting travel agents or dignitaries).

Potential use on holidays.

- a. The Town Commission will decide in advance if they will make a plaza available for use by a Town commercial businesses or Town-based non-profit organizations on specific holidays.
- b. On those holidays the Commission designates, the Town will accept proposals for use six months in advance of the holiday and determine which proposals best fit the image and goals of the Town. After the Commission ranks the proposals in preferred order, staff will negotiate rental fees with the first ranked proposer and bring them back to the Commission for approval.
- c. The same business or non-profit organization may not rent the same space on a specific holiday two years in a row if another business or non-profit wants the opportunity. The Town Manager will determine whether others are interested in the opportunity, based on whether she or he has received written notice of such interest from an eligible business or organization no later than seven months prior to the holiday.

Use on the same day as a special event. Rentals will not be considered on days or evenings of Special Events if the Town Manager determines that a conflict would occur.

Sales. There will be no sales during an event except for 1) food products provided to the attendees, 2) items sold at a charity event, or, 3) hand-made artisan products.

Cancellation: The Town Commission reserves the right to cancel the rental up to 90 days in advance.

The following use fees apply, but may be modified or waived by the Town Commission upon a finding that the applicable event will provide a public benefit.

5.1	Advanced Advertising. An event that was advertised prior to receiving Commission approval	\$500 plus the application fee and use fee(s).
5.2	Plaza Event Application Fee (does not include Use Fee(s))	\$100 if filed at least 60 days in advance of the proposed event date. \$250 if submitted between 59 days and 30 days prior to the event AND any cost recovery fees for the costs for Town staff (including police and fire services) and any consultant time attributable to the processing of the application, not to exceed \$1,500.

Plaza Use Fees Are in addition to the Event Application Fees listed above. The use fee is per plaza. If an organization wants to utilize more than one plaza for their event, they must pay for each space. Use of the plazas as part of a larger special event are subject to the plaza use fees, in addition to the any other Special Event Use Fee, but may be waived or modified by the Town Commission upon a finding that the applicable event will provide a public benefit. Application filed within 30 days of an event date will not be accepted. A Deposit may be required and will be set by the Town Manager based on purpose, number of attendees, and impact on the facility.		
5.3	LBTS businesses (limited to 4 rentals per year per business)	\$850 per day per plaza
5.4	LBTS-based charity or non-profit organization (limited to 2 rentals per year per organization)	\$215 per day per plaza
5.5	Out-of-Town 501C Registered Non-Profit or Tax Exempt Organization (limited to 1 rental per organization per year)	\$425 per day per plaza

Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the other provisions of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its passage. The increased fees set forth herein related to Special Events, Park Uses, and Street Performers shall apply to all new requests submitted after the passage and adoption of this Resolution.

PASSED AND ADOPTED this 27th day of August 2024.



Mayor Edmund Malkoon

Attest:

APPROVED AS TO FORM:

83 *Katrina Adler*
84 Town Clerk, Katrina Adler
85
86
87 (CORPORATE SEAL)

Susan L. Trevarthen
Susan L. Trevarthen, Town Attorney





TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

PERMIT HOLDER INFORMATION

NAME / ORGANIZATION:	Wild Berry Salon	REPRESENTATIVE:	Annie Berry
STREET ADDRESS:	262 Commercial Boulevard	CITY, STATE, ZIP:	Lauderdale-By-The-Sea, FL 33308
PHONE NUMBER (S):	(954) 552-2458	EMAIL:	annie@thewildberrysalon.com

DATE AND LOCATION OF EVENT

TYPE OF EVENT:	Holiday Celebration	DATE(S) OF EVENT:	Friday, December 12 Friday, December 19
HOUR(S) OF EVENT:	4:00 PM – 8:00 PM	ADDRESS / LOCATION OF EVENT:	Wild Berry Salon (262 Commercial Blvd.)

DESCRIPTION OF EVENT:

Holiday Photo Opportunity / Fundraiser

SANTA PAWS CELEBRATION FRIDAY, DECEMBER 12 + FRIDAY, DECEMBER 19, 2025	
Start of Setup:	11:00 AM
Event Start:	4:00 PM
Event Concludes:	8:00 PM
Cleanup Completed:	9:00 PM

SPECIAL CONDITIONS

The EVENT was approved by Town Commission on October 14, 2025 with the following conditions:

1. All applicable fees pertaining to this event have been paid– \$50 application fee.
2. Road Closures, Lane Closures, and Parking Spaces:
 - a. Parking will operate according to normal parking regulations.
3. Setup:
 - a. Tables, chairs, stage, equipment, etc. shall not interfere with pedestrian walkways, ingress or egress.
 - b. Sidewalks next to the Event site and within the Event shall remain open and clear for pedestrian traffic.
 - c. The Event shall be organized in a safe manner to protect attendees. All electric cords and similar material shall be covered to not pose a hazard to the public or event staff.



TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

4. Broward Sherriff Office (BSO):
 - a. BSO shall specify the number of detail officers needed for traffic and crowd control. The Permit Holder shall contract with BSO directly for the necessary BSO personnel within ten (10) days of receiving event approval.
 - b. BSO shall approve the Event's traffic plan, if one is required.
5. Signage
 - a. No additional signage has been requested or approved for this event. Should additional signage be desired, signage will require Town Manager approval.
6. Electric
 - a. Applicant is approved to utilize two (2) of the Town's electrical outlets in conjunction with the Event. Per Resolution 2024-29, the \$50 electrical fee is waived for usage of one outlet for West Plaza Businesses. The fee for use of a secondary outlet has also been waived.
7. Animals
 - a. All animals attending the Event will be required to adhere to conditions set within Chapter 4, Article II: Dogs & Cats.
 - b. All animals in attendance must remain on a 6' leash at all times.
8. The Event and its approved sound systems will be operated so as not to violate the Town's code, including section 13-6, Noise Limitation.
9. A clean up deposit may be imposed, based on the final Site Plan, and due two weeks prior to the Event. Clean up fee starting at \$150 will be charged if the area is not cleaned to the Town's standards by 9:00 a.m. the day of the Event.
10. Final Site Plan must be presented to Town Staff for approval at least 48 hours in advance of the Event. The Permit Holder shall arrange for an inspection of the event site to occur two hours before the start of the event. This inspection shall include Town's Event Manager or designee, and the Event's dedicated on-site representative for the purpose of ensuring the event is organized in a safe manner.
11. The cost of any inspections or work required by Town Staff after normal working hours will be billed to the Event and must be paid within two weeks of invoice date.
12. Insurance:
 - a. At least thirty (30) days prior to the Event, the Permit Holder shall provide a Certificate of Liability written in comprehensive form naming the Town as additional insured in the amount of:
 - \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury; and
 - \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty (30) days written notice for cancellation



TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

- b. No required policy shall have a deductible or self-insurance retention greater than \$15,000
 - c. All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance will provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any event, the EVENT will be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement will be issued as part of any required policies. Failure to comply with these requirements will justify a denial, suspension or revocation of the requested approval by the Interim Town Manager or designee.
13. In the event that control of any applicable event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Event (the "Subcontractor"), the Subcontractor shall be required to meet the insurance and indemnification requirements of set forth in the Permit and this Approval, under which the EVENT is applying, as if they were the Event and will be held responsible for compliance with the Town Code as if the Subcontractor for the Event.
14. In the event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for the Event shall expire unless the Town Manager finds there are extenuating circumstances that the Event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the Event, without increasing the administration costs of the Town.
15. The Event shall owe no monies to the Town at the time of the event or have any code citations or violations. There shall be no code violations or monies due such as fines, fees, taxes or other charges, permits or licenses outstanding or owed to the Town by the current or past property owners or operators of the Event unless all monies due are paid, permits/paperwork received, and code issues resolved 14 days prior to the Event.
16. The Town Manager may suspend permission for this event or require changes in the site plan due to conflicting activities, failure of the Event to comply with the terms and conditions of the Town's event permit, for health or safety issues, or for the best interests of the Town.
17. The Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special events if deemed necessary by the Town or upon the EVENT proposing a valid reason.
18. Permission for the Event may be suspended or modified by the Commission, Town Manager, or designated Staff.

TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

19. The Town Manager or onsite Town representative may terminate the Event or Event's participation due to the Event not complying with the terms and conditions of the Town's event permit, for health or other safety reasons.
20. If any Condition is not met by the EVENT, the Town may charge a \$500 fee for each occurrence of a violation of these Conditions.

DOCUMENTS AND PERMITS REQUIRED

Insurance provided.

SIGNATURES REQUIRED

PERMIT HOLDER: I agree to comply with all conditions of this permit	
SIGNATURE OF PERMIT HOLDER:	DATE:
 ANNIE BERRY PRINTED NAME	

TOWN REPRESENTATIVE:	
SIGNATURE:	DATE:
KATIE ANDERSON, EVENTS & MARKETING MANAGER PRINTED NAME & AFFILIATION TO EVENT	

TOWN REPRESENTATIVE:	
SIGNATURE:	DATE:
COURTNEY EASLEY, ASSISTANT TO TOWN MANAGER PRINTED NAME & AFFILIATION TO EVENT	



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Courtney Easley, Acting Town Clerk/Assistant to Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-47: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ELECTING TO PERMANENTLY WAIVE THE ABILITY TO SEEK FUNDING FOR COMMUNITY SHUTTLE, THE GRANT MATCH PROGRAM, AND FOR NEW MUNICIPAL CAPITAL PROJECTS FOR THE TERM OF THE 2025 AMENDED AND RESTATED TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER TO WAIVE EXERCISE SUCH WAIVER IN FUTURE YEARS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Explanation:

On June 5, 2018, the Broward County Board of County Commissioners enacted Broward County Ordinance No. 2018-29, the Broward County Surtax Ordinance, which established a process for municipalities within Broward County to apply for project funding from surtax proceeds. On June 24, 2025, the Lauderdale-By-The-Sea Town Commission approved Resolution 2025-28, adopting the Amended and Restated Transportation System Surtax Interlocal Agreement (Exhibit A).

Under this agreement, small municipalities in Broward County (those with 1% or less of the County's road miles and no community shuttle service) may choose to waive their right to apply for certain County funding programs, including community shuttles, the grant match program, and new municipal capital projects.

Staff recommends that the Commission approve waiving the Town's right to community shuttle funding, as Lauderdale-By-The-Sea does not operate a shuttle. This waiver must be in writing, approved by the Town Commission, and forwarded to the County. In exchange, the Town's annual surtax funding allocation will increase, based on its share of municipal road mileage compared to other cities. The additional funds come from the County's pool for road repairs, on-demand transportation, and grant matches. The Town may use the funds to offset Circuit costs.

LBTs has a total of 16.6 municipal centerline miles. For FY2026, the Town is projected to receive approximately \$172,000, which includes \$119,231 in surtax funds and \$52,769 from

the small-municipality waiver.

It is important to note that the waiver process described in the Third Amendment is intended to be a permanent waiver of access to the Community Shuttle and Grant Match programs. This agenda item also requests delegation of authority for future annual waivers.

Recommendation: Approve Resolution 2025-47

Exhibits:

1. Resolution 2025-47 - Approving Waiver-Surtax Funding Enhancement
2. Exhibit A - Resolution 2025-28 Surtax

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WHEREAS, on June 5, 2018, the Broward County Board of County Commissioners enacted Broward County Ordinance No. 2018-29, the Broward County Surtax Ordinance, which, among other things, provides a process by which any municipality within Broward County (the “County”) may apply for project funding from surtax proceeds; and

WHEREAS, the County and Municipalities approved the Transportation System Surtax 20 Interlocal Agreement (“Agreement”) in 2018, and the parties approved amendments to the 21 Agreement in 2019 and 2021, including the addition of the MPO as a party in 2021; and

HEREAS, Section 4.3.8 of the 2025 provides that a Municipality that has less than or equal to one percent (1%) of Centerline Miles within Broward County and does not have a Community Shuttle operating within the municipality, may elect, at any time, to permanently waive for the term of the 2025 ILA the ability to seek funding for Community Shuttle, the Grant Match Program, and for New Municipal Capital Projects; and

36 **WHEREAS**, Section 4.3.8 further provides that such waiver must be in writing,
37 approved by the elected body of the municipality, and delivered to MAP Administration;
38 and

39 **WHEREAS**, Staff recommends that the Commission approve waiving the
40 Town’s right to community shuttle funding, given that the Town does not operate a
41 shuttle; and

42 **WHEREAS**, with a total of 16.6 municipal centerline miles, for FY2026 the
43 Town is projected to receive approximately \$172,000, which includes \$119,232 in surtax
44 funds and \$52,769 from the small-municipality waiver; and

45 **WHEREAS**, the Town’s annual surtax funding allocation will increase, based on
46 its share of municipal road mileage compared to other cities, and with the additional funds
47 come from the County’s pool for road repairs, on-demand transportation, and grant
48 matches, which the Town may use the funds to offset Circuit costs; and

49 **WHEREAS**, in accordance with section 4.3.8 of the 2025 ILA, Village
50 Commission desires to permanently waive the ability to seek funding for Community
51 Shuttle, the Grant Match Program, and for New Municipal Capital Projects for the term
52 of the 2025 ILA (“Funding Enhancement Waiver”); and

53 **WHEREAS**, the Town Commission further desires to authorize the Town
54 Manager to exercise future Funding Enhancement Waiver’s on behalf of the Town, to
55 deliver notice of the Funding Enhancement Waiver to MAP Administration; and

56 **WHEREAS**, the Town finds adoption of the Funding Enhancement Waiver to be
57 in the best interests of the Town and its residents.

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

60 **SECTION 1. Recitals.** The foregoing “Whereas” clauses are hereby ratified and
61 confirmed by the Town Commission, and incorporated herein.

62 **SECTION 2. Approval of Funding Enhancement Waiver.** That the Town
63 Commission does hereby permanently waive the ability to seek funding for Community
64 Shuttle, the Grant Match Program, and for New Municipal Capital Projects for the term

of the 2025 ILA.

SECTION 3. Authorization. The Town Manager is authorized to exercise the Funding Enhancement Waiver for future years on behalf of the Town.

SECTION 4. Implementation. The Town Manager is further authorized to take all actions necessary to execute and implement this and Funding Enhancement Waiver and future waivers on behalf of the Town, including delivering the Funding Enhancement Waiver to MAP Administration.

SECTION 5. Effective Date. This Resolution shall become effective upon passage and adoption.

PASSED AND ADOPTED this ___ day of _____ 2025.

Mayor Edmund Malkoon

Attest:

Courtney Easley, Acting Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

RESOLUTION NO. 2025-28

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, APPROVING THE 2025 AMENDED
AND RESTATED TRANSPORTATION SYSTEM SURTAX
INTERLOCAL AGREEMENT (THIRD AMENDMENT)
WITH BROWARD COUNTY, THE BROWARD COUNTY
CITY MANAGERS' ASSOCIATION AND PARTICIPATING
MUNICIPALITIES**

WHEREAS, on June 5, 2018, the Broward County Board of County Commissioners enacted Broward County Ordinance No. 2018-29, the Broward County Surtax Ordinance, which, among other things, provides a process by which any municipality within Broward County (the "County") may apply for project funding from surtax proceeds; and

WHEREAS, funding of submitted municipal projects shall be accomplished through interlocal agreements between the County and the applicable Municipalities; and

WHEREAS, the County and Municipalities approved the Transportation System Surtax Interlocal Agreement ("Agreement") in 2018, and the parties approved amendments to the Agreement in 2019 and 2021, including the addition of the MPO as a party in 2021; and

WHEREAS, the Parties to the Agreement have determined it would be beneficial to fully restate and amend the ILA, including (i) to address the status of the remaining Cycle 1 Projects and the ability of County to terminate such projects that are not under a Surtax Funding Agreement; (ii) to reprioritize the current distribution of Transportation Surtax funding to Municipalities among Community Shuttle, Capital Projects, and Rehabilitation and Maintenance (R&M) Projects; (iii) to provide for a new Formula-based Funding model for R&M Projects and On-Demand Transportation during County Fiscal Years 2026 to 2032, subject to availability of Transportation Surtax funding; (iv) to create new means of allowing Municipalities the ability to obtain Transportation Surtax funding to be used as required local match in relation to state and federal appropriations and grants; (v) to streamline the manner by which projects funded by the Transportation Surtax are placed under Surtax Funding Agreements; (vi) to provide Municipalities with flexibility on how each will use Formula-based Funding from the Transportation Surtax; (vii) to permit multiple Municipalities to collaborate on the joint management of their Community Shuttle programs; (viii) to permit the ILA to be more easily modified, if and as required, to more efficiently and effectively distribute the Transportation Surtax Proceeds committed to Municipalities; and (ix) to describe the role that the BCCMA will have in connection with certain parts of the programs established between County and Municipalities; and

WHEREAS, the Town Commission finds it in the best interest of the Town to approve the 2025 Amended and Restated Transportation System Surtax Interlocal Agreement (Third Amendment).

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

SECTION 1. Recitals. The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

SECTION 2. Approval of Agreement. The 2025 Amended and Restated Transportation System Surtax Interlocal Agreement (Third Amendment) with Broward County, the Broward County City Managers' Association and participating municipalities is approved, in substantially the form attached as Exhibit "A," together with such non-substantial changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney.

SECTION 3. Authorization to Execute Agreement. The appropriate Town officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this 24th day of June 2025.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

APPROVED AS TO FORM:



Susan L. Trevarthen, Town Attorney

**2025 AMENDED AND RESTATED
TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT (THIRD AMENDMENT)**

This 2025 Amended and Restated Transportation System Surtax Interlocal Agreement (“2025 ILA”) is entered into among Broward County, a political subdivision of the State of Florida (“County”), the municipalities that formally approved and are a party to the Transportation System Surtax Interlocal Agreement that was executed by County on August 29, 2018, and such additional municipalities that are signatories to this 2025 ILA (collectively, the “Municipalities” and each a “Municipality”), and the Broward County City Managers’ Association, Inc. (“BCCMA”). County, Municipalities, and the BCCMA are each a “Party,” and collectively referred to as the “Parties.”

RECITALS

A. Pursuant to Section 31½-71, et seq., of the Broward County Code of Ordinances (“Transportation Surtax Ordinance”), a 30-year 1% transportation surtax (“Transportation Surtax”) was levied after approval by referendum of the general electorate at the General Election on November 6, 2018, with the proceeds to be expended for authorized transportation and transit projects in accordance with applicable law, including Section 212.055(1), Florida Statutes.

B. On or about November 8, 2018, County and Municipalities entered the Transportation Surtax Interlocal Agreement that addressed the distribution of proceeds of the Transportation Surtax (“Original ILA”). The Original ILA was amended in June 2019 (“First Amendment”), and in March 2021 (“Second Amendment”), further defining the relationship between the parties thereto, and adding the Broward Metropolitan Planning Organization (“BMPO”) as a party for purposes of the evaluation and ranking of certain capital projects for potential Transportation Surtax funding (the Original ILA, as amended by the two amendments, is referred to herein as the “ILA”).

C. The portion of Transportation Surtax Proceeds (as defined herein) that County previously committed to distribute to Municipalities has, to the best of each Party’s knowledge, been properly distributed for municipal programs and projects that were deemed statutorily eligible for Transportation Surtax funding under Section 212.055(1), Florida Statutes, such as community shuttle programs; capital planning, design, and projects; and road rehabilitation and maintenance projects.

D. As the Parties’ working knowledge and experience with the Transportation Surtax program has increased, the Parties have determined it would be beneficial to fully restate the ILA, including (i) to address the status of the remaining Cycle 1 Projects and the ability of County to terminate such projects that are not under a Surtax Funding Agreement; (ii) to reprioritize the current distribution of Transportation Surtax funding to Municipalities among Community Shuttle, Capital Projects, and Rehabilitation and Maintenance (R&M) Projects; (iii) to provide for a new Formula-based Funding model as defined in Section 4.3.1. for R&M Projects and On-Demand Transportation during County Fiscal Years 2026 to 2032, subject to availability of

Transportation Surtax funding; (iv) to create new means of allowing Municipalities the ability to obtain Transportation Surtax funding to be used as required local match in relation to state and federal appropriations and grants; (v) to streamline the manner by which projects funded by the Transportation Surtax are placed under Surtax Funding Agreements; (vi) to provide Municipalities with flexibility on how each will use Formula-based Funding from the Transportation Surtax; (vii) to permit multiple Municipalities to collaborate on the joint management of their Community Shuttle programs; (viii) to permit the ILA to be more easily modified, if and as required, to more efficiently and effectively distribute the Transportation Surtax Proceeds committed to Municipalities; and (ix) to describe the role that the BCCMA will have in connection with certain parts of the programs established between County and Municipalities.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree to amend and restate the Interlocal Agreement, in its entirety, as follows:

ARTICLE 1. RECITALS; DEFINITIONS; AND EXHIBITS

1.1. Recitals. The above-stated Recitals are true and correct and are incorporated herein by this reference.

1.2. Definitions. The terms below have the following meanings as used in this 2025 ILA:

1.2.1. ***Adopted Municipal Transportation Surtax Funding*** means the percentage and dollar amount of Transportation Surtax Proceeds that is anticipated by County to be received in the applicable Fiscal Year and that is budgeted in the subsequent Fiscal Year's County budget, as adopted by the County Commission, to be used for Community Shuttle and Eligible Municipal Projects for the applicable County Fiscal Year budget.

1.2.2. ***Annual True-Up*** means County's annual determination (typically to occur in April or May of each year after the annual financial audit of the Transportation Surtax funds received in the prior Fiscal Year) of whether the County satisfied its Minimum Annual Guarantee commitment in the prior Fiscal Year. For example purposes, in April/May 2026, the results from the Fiscal Year 2025 annual financial audit will be completed and a determination will be made as to whether County met the Minimum Annual Guarantee commitment for Fiscal Year 2025.

1.2.3. ***Applicable Law*** means all applicable laws, codes, advisory circulars, rules, regulations, and ordinances of any federal, state, county, municipal, or other governmental entity, including without limitation the Americans with Disabilities Act of 1990 ("ADA"), as each may be amended.

1.2.4. ***CBE*** means a County Business Enterprise, as defined in Section 1-81.1, Broward County Code of Ordinances.

1.2.5. **Centerline Miles** means the aggregate length of roads under the jurisdiction of a Municipality, regardless of the number of lanes in such roads, as reported and updated by FDOT, typically on an annual basis.

1.2.6. **Community Shuttle** means the capital and operating expenses associated with existing, new, and/or expanded public transportation services, operated by one or more Municipalities within their jurisdictions, that supplement fixed-route mass transit service and that are available to persons traveling within the applicable Municipality or Municipalities.

1.2.7. **County Commission** means the Broward County Board of County Commissioners.

1.2.8. **Cycle 1 Ranked Projects** means the municipal projects not currently under a Surtax Funding Agreement listed in **Exhibit A** to this 2025 ILA.

1.2.9. **Effective Date** means the date of complete execution of this 2025 ILA by County, the BCCMA, and by such Municipalities that both (i) constitute a majority of the Municipalities that are a party to the Original ILA, as amended by the First Amendment and the Second Amendment, and (ii) cumulatively represent more than 50% of County's total population.

1.2.10. **Eligible Municipal Project** means a Municipal Capital Project, Municipal R&M Project, or On-demand Transportation Services that, pursuant to Section 212.055(1)(d), Florida Statutes, is statutorily eligible to receive funding from the Transportation Surtax pursuant to this 2025 ILA.

1.2.11. **FDOT** means the Florida Department of Transportation.

1.2.12. **Fiscal Year** means County's fiscal year, which begins on October 1 of each year and ends on September 30 of the following calendar year.

1.2.13. **MAP Administration** means County's Mobility Advancement Program Administration staff.

1.2.14. **Minimum Annual Guarantee** means County's commitment to utilize at least ten percent (10%) of the Transportation Surtax Proceeds to fund, collectively, Community Shuttle and Eligible Municipal Projects pursuant to the terms and conditions of this 2025 ILA.

1.2.15. **Municipal Capital Project Tails** means the remaining phases (e.g., design and/or construction) of Cycles 3 through 5 of Municipal Capital Projects that were approved for Transportation Surtax funding as of the Effective Date, but that included a future phase that was not included in an existing Municipal Five-Year Plan as of the Effective Date.

1.2.16. ***Municipal Capital Projects*** means design and/or construction phase municipal capital improvement projects for transportation purposes, including new or expanded roads, sidewalks, bike paths, bridges, transportation facilities (e.g., bus shelters, etc.), permanent transportation assets (e.g., motorized/non-motorized sensors), and similar transportation elements. Municipal Capital Projects do not include planning projects.

1.2.17. ***Municipal Five-Year Plan*** means the program of Transportation Surtax-funded Eligible Municipal Projects over a rolling period of the next five Fiscal Years, which program is subject to County Commission decisions regarding budgeting and appropriation of Transportation Surtax Proceeds for each applicable Fiscal Year. A Fiscal Year reference to a Five-Year Plan means the plan for the five years commencing with the stated Fiscal Year, such that “Fiscal Year 2025 Five-Year Plan” means the Five-Year Plan for the period that begins on October 1, 2024, and ends on September 30, 2029.

1.2.18. ***Municipal Capital Project Contingency*** means Transportation Surtax Proceeds allocated by the County Commission for the purpose of covering unforeseen Municipal Capital Project costs in a project’s construction phase (e.g., tariffs, inflation/cost escalation, etc.), up to either a maximum of five percent (5%) of the total cost of construction or such higher maximum not-to-exceed amount if approved by County pursuant to Section 4.4.4.

1.2.19. ***Municipal R&M Projects*** means Eligible Municipal Projects that involve the rehabilitation of a road or other transportation-related capital improvement (e.g., sidewalks, bike paths, road and roadway lighting, road drainage, bus shelter, etc.) or asset (e.g., motorized/non-motorized sensors, etc.) to restore it to a safe and functional condition and/or preventative maintenance of any of the foregoing to preserve it from failure or decline. Municipal R&M Projects do not include, without limitation: mowing; tree trimming; pressure cleaning; painting; irrigation repairs; landscaping repairs and maintenance; cleaning and maintenance of catch basins, storm drains, and pipes; or any rehabilitation and maintenance of pathways or greenways that are purely recreational in nature and not for transportation purposes (including but not limited to self-contained (i) sidewalks, (ii) greenways, (iii), running paths, or (iv) cycling paths).

1.2.20. ***Municipal Single Point of Contact*** means an individual municipal employee designated in writing by the applicable Municipality to the BCCMA to represent its interests; send and receive communications related to the surtax program; and communicate regarding the Municipality’s approved surtax projects, services, and initiatives.

1.2.21. ***New Municipal Capital Projects*** means all Municipal Capital Projects other than (a) each Municipal Capital Project approved during Cycles 1 through 5, and (b) Municipal Capital Project Tails.

1.2.22. **On-demand Transportation Services** shall have the meaning as provided in Section 212.055(1)(e), Florida Statutes, as may be amended. As of the Effective Date, the term “On-demand Transportation Services” means transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

1.2.23. **Oversight Board** means the Independent Transportation Surtax Oversight Board established by the Transportation Surtax Ordinance.

1.2.24. **Road** shall have the general meaning as stated in the Florida Transportation Code, Section 334.03(22), Florida Statutes, as amended. As of the Effective Date, “road” means “a way open to travel by the public, including, but not limited to, a street, highway, or alley.” Absent express conflicting modification to that statutory definition of “road,” for the purposes of this 2025 ILA: a “road” includes, without limitation, a roadway (i.e., a road meant for vehicular travel), a bicycle path, a sidewalk, or other modality whereby pedestrians, cyclists, or drivers of motorized vehicles may travel from one place to another. Notwithstanding anything to the contrary in the Florida Transportation Code definition of “road,” for purposes of this 2025 ILA, a “road” does not include, among other things, privately owned roads or roadways, privately owned rights-of-way, roads or roadways within gated communities, self-contained pathways such as running/walking tracks, self-contained bicycle pathways (such as biking courses within parks), or other pathways intended primarily for recreational (rather than transportation) purposes.

1.2.25. **Surtax Funding Agreement** means an interlocal agreement executed by County and the applicable Municipality, pursuant to Section 212.055(1), Florida Statutes, in the form acceptable to County, that provides for the remittance of Transportation Surtax funds to the Municipality for a specific Eligible Municipal Project or expenditure.

1.2.26. **Transportation Surtax Proceeds**, except where the context indicates otherwise, means the amount of Transportation Surtax funds County received for the applicable Fiscal Year from the Florida Department of Revenue, exclusive of the five percent (5%) set-aside amount required by Section 129.01(2)(b), Florida Statutes.

1.3. Exhibits. The following exhibits are incorporated into this 2025 ILA:

Exhibit A	Cycle 1 Ranked Projects Not Under a Surtax Funding Agreement
Exhibit B	Fiscal Year 2026 Formula-based Funding Amounts
Exhibit C	List of Municipal Capital Project Tails
Exhibit D	Municipal Projects Awarded for Fiscal Years 2020 – 2029

ARTICLE 2. ELIGIBLE MUNICIPAL PROJECTS

To constitute an Eligible Municipal Project, in addition to meeting the requirements contained within Section 212.055(1), Florida Statutes, the proposed project must meet the following eligibility criteria, as applicable:

2.1. Primarily Public Benefit: No proposed Eligible Municipal Project relating to a road is eligible for Transportation Surtax funding unless the primary benefit of such project is associated with a public road or public right-of-way. Proposed projects located within gated communities and other nonpublic roads or nonpublic rights-of-way are not eligible for funding under this 2025 ILA.

2.2. Street Lighting: A proposed Eligible Municipal Project that includes improvements to lighting systems is only eligible if it illuminates the road or public right-of-way primarily for the benefit of vehicles, pedestrians, or bicyclists. Such street lighting work may be a component of a Municipal Capital Project that included phases that were funded earlier with Transportation Surtax funds and/or different funding source. Municipalities must obtain a lighting justification report consistent with any applicable written County and FDOT policies as well as the criteria outlined in the version of the Florida Greenbook in use at the time the design and construction work are being performed.

2.3. Drainage: Public road stormwater drainage system improvements are eligible to the extent the applicable Municipality obtains certification from a licensed Florida professional engineer stating that the drainage improvements primarily address stormwater runoff from public property onto a public road or public right-of-way. Drainage improvements onto or from private roads and/or developments may have partial eligibility if the drainage improvements primarily benefit a public road or right-of-way.

2.4. Sound Walls: Noise abatement projects involving the construction or improvement to sound walls are only eligible for Transportation Surtax funding if the requested sound wall: (1) (a) is part of an Eligible Municipal Project involving the addition of through lanes to an existing roadway; (b) alters the roadway alignment significantly; or (c) involves the construction of a new roadway; and (2) is also consistent with any applicable written County and FDOT policies as well as the criteria outlined in the version of the Florida Greenbook in effect at the time the project design and construction work are being performed.

2.5. Fiber-Optic Improvements/Real-time Transportation Signage: A proposed Eligible Municipal Project relating to the installation or improvement to real-time transportation signage (e.g., traffic warnings, notifications of roadway closures, etc.) that involves fiber-optic improvements or connections is eligible for Transportation Surtax funding only if access to the fiber-optic system has received written approval from all entities that are responsible for maintaining and operating that fiber-optic system.

2.6. Landscaping: Landscaping improvements are only eligible if within the public road right-of-way immediately adjacent to the road improvement project at issue. Such landscaping improvements may be a component of a Municipal Capital Project that included phases that were funded earlier with Transportation Surtax funds and/or different funding source.

2.7. Parking: Improvements used for park-and-ride (or other transit-oriented development parking) that serves the public are eligible, provided that any parking fees charged that exceed the actual costs of operating and maintaining the facility may only be utilized for transportation-related improvements within the applicable Municipality and provided such improvements, if Transportation Surtax funding had been sought, would have been eligible for Transportation Surtax funding.

2.8. ADA Accommodations: Components of Eligible Municipal Projects involving improvements to roads for purposes of ADA compliance are eligible for Transportation Surtax funding.

2.9. Safety Assets: Proposed Eligible Municipal Projects involving traffic calming improvements (i.e., speed control devices or improvements that otherwise comply with Applicable Law other than cameras used to issue citations) on a public road or right-of-way are eligible.

2.10. Decorative Elements/Functional Public Art: Proposed Eligible Municipal Projects that include decorative elements and/or functional public art (e.g., pavers for crosswalks, decorative wayfinding signage for roads, decorative sidewalk benches, artistic road lights, decorative shade structures over sidewalks or public transit shelters, etc.) are eligible for partial Transportation Surtax Funding in an amount equal to the cost of the standard, nondecorative/nonartistic alternative for design and/or construction (as applicable), and provided that Municipality's engineer of record attests in writing that the decorative/functional public art component has a useful life that is at least as long as the standard, nondecorative/nonartistic alternative. Municipalities are encouraged to coordinate the inclusion of decorative elements and/or functional public art components with applicable County agencies (e.g., the Cultural Division, the Public Works Department, etc.).

ARTICLE 3. STATUS AND TERMINATION OF CYCLE 1 RANKED PROJECTS

As of the Effective Date, the Cycle 1 Ranked Projects shown on Exhibit A are not currently under a Surtax Funding Agreement. MAP Administration may, in its discretion, after consultation with the affected Municipality, terminate any such project unless, within ninety (90) days after the Effective Date, Municipality and County have entered into a Surtax Funding Agreement for that project. MAP Administration shall provide the Municipality with at least thirty (30) days' advance written notice of any intention to terminate a Cycle 1 Project pursuant to this section.

Should Municipality believe it has good cause for an extension beyond the ninety (90) day period provided for in this section and disagree with MAP Administration's decision to terminate a

project, Municipality may seek an extension from the County Administrator for up to an additional ninety (90) day period. To exercise this right to seek an extension for such projects, Municipality must provide written notice to MAP Administration between the date it receives the written notice of MAP Administration's intent to terminate but prior to the effective date of termination. Municipality's written request for additional time must include all supporting documentation Municipality believes should be considered as part of the request and must be received by MAP Administration at least fifteen (15) days prior to the noticed date of termination; if such a request and supporting documentation is timely received, the cancellation will be suspended pending consideration of the request by the County Administrator, whose decision regarding the extension request shall be final and not subject to further review. If the County Commission amends the Transportation Surtax Ordinance to authorize the Oversight Board to perform the functions of County Administrator set forth in this section regarding review and consideration of extension requests, all references to the County Administrator in this section relating to extension requests shall be automatically replaced with "Oversight Board."

Notwithstanding the foregoing, any Cycle 1 Ranked Project not under a Surtax Funding Agreement that was completed by a Municipality with a funding source other than the Transportation Surtax may be terminated by MAP Administration at any time with at least thirty (30) days' written notice to Municipality, and such termination shall not be subject to further review or consideration.

All appropriated funds from Cycle 1 Ranked Projects terminated pursuant to this section will be reallocated to Municipalities for Eligible Municipal Projects in the next Fiscal Year as part of the Adopted Municipal Transportation Surtax Funding. Such reallocated funds have already counted towards a prior Fiscal Year's Minimum Annual Guarantee and shall therefore not count towards County's Minimum Annual Guarantee obligations for the next Fiscal Year.

All existing Cycle 1 Ranked Projects shall no longer be eligible to receive separate cost escalation funding from County and the contingency provisions in Section 4.4.4 shall apply.

ARTICLE 4. ELIGIBLE MUNICIPAL PROJECTS AND FUNDING PRIORITIES

4.1. Funding Priorities. Each Fiscal Year, and subject to County's commitment to provide Municipalities at least the Minimum Annual Guarantee, County will advise Municipalities in writing of the Adopted Municipal Transportation Surtax Funding for the upcoming Fiscal Year and the method by which such funding will be divided between the various types of Eligible Municipal Projects, based on the following prioritization:

- **Fiscal Years 2026-2029**
 - **Priority 1:** Community Shuttle as described in Section 4.2. below.
 - **Priority 2:** Existing Eligible Municipal Projects contained in then-current Municipal Five-Year Plan.
 - **Priority 3:** Formula-based Funding for Municipal R&M Projects and On-Demand Transportation Services as described in Section 4.3. below.
 - **Priority 4:** Grant Match Program as described in Section 4.5 below.

- **Fiscal Years 2030-2033**
 - **Priority 1:** Community Shuttle as described in Section 4.2 below.
 - **Priority 2:** Municipal Capital Project Tails as described in Section 4.4 below.
 - **Priority 3:** Formula-based Funding for Municipal R&M Projects and On-Demand Transportation Services as described in Section 4.3 below.
 - **Priority 4:** Grant Match Program as described in Section 4.5 below.
- **Fiscal Years 2034-2048**
 - **Priority 1:** Community Shuttle as described in Section 4.2 below.
 - **Priority 2:** Formula-based Funding for Municipal R&M Projects and On-Demand Transportation Services as described in Section 4.3 below.
 - **Priority 3:** Grant Match Program as described in Section 4.5 below.
 - **Priority 4:** New Municipal Capital Projects as described in Section 4.4 below.

Notwithstanding the prioritization schedule above or any other provision of this 2025 ILA, County shall have no obligation to fund the Municipalities any amounts over the Minimum Annual Guarantee in any Fiscal Year.

4.2. Community Shuttle.

4.2.1. Community Shuttle Funding. A portion of the Transportation Surtax Proceeds will be used to directly fund the applicable Municipalities for the operating, maintenance, and capital costs of existing, expanded, and new Community Shuttle in the amounts provided for in separate Community Shuttle interlocal agreements between each Municipality and County. Funding of Community Shuttle from Transportation Surtax Proceeds is not subject to an evaluation or ranking process (whether by County or any County vendor). Unless otherwise agreed in writing by County, to be eligible for Transportation Surtax Proceeds, a Municipality's Community Shuttle must meet or exceed the minimum passengers per revenue service hour per route or such other County-imposed standards for the applicable Fiscal Year(s). County may, in its sole discretion, modify these standards based on future population and ridership and future County needs. County's Transportation Department participates in the administration of the Community Shuttle program and allocated Community Shuttle funding is included in the Transportation Department's annual Fiscal Year budget. County may suspend minimum ridership standards at any time because of interruptions due to hurricane, other natural disasters, or other unexpected conditions, as deemed appropriate by the County Commission.

4.2.2. Joint Municipal Community Shuttle. Subject to written approval by County's Transportation Department's Director or their written designee, Municipalities may jointly develop a Community Shuttle that crosses municipal jurisdictions. For such joint Municipal Shuttle programs, the written agreement with County must include all

participating Municipalities as parties but will identify one (1) Municipality as the primary administrator and main point of contact for that joint Community Shuttle program.

4.3. Formula-based Funding for Municipal R&M Projects/On-demand Transportation Services.

4.3.1. Purpose of Formula-based Funding. The goal of formula-based funding as set forth herein ("Formula-based Funding") is to ensure that each Municipality receives funding every year to be utilized: (a) to supplement (and not to supplant) their existing municipal budgets for Municipal R&M Projects; and/or (b) for On-demand Transportation Services, in accordance with this 2025 ILA.

4.3.2. Annual Formula-based Funding. Commencing for Fiscal Year 2026 and continuing for each Fiscal Year through Fiscal Year 2033, County will determine the amount of and set aside Formula-based Funding from available Transportation Surtax funds based on amounts appropriated but unused from previous years' Eligible Municipal Projects (e.g., differential between contracted amounts for Community Shuttle and amount actually expended, cost savings on projects that were completed under budget, etc.). For Fiscal Year 2034 through Fiscal Year 2048, Formula-based Funding shall be set at sixty percent (60%) of the remaining Adopted Municipal Transportation Surtax Funding after deducting the full maximum contracted amount for all Municipalities' Community Shuttle. For each Fiscal Year, Formula-Based Funding will be allocated among the Municipalities based on the number of Centerline Miles in each Municipality as identified in the most recent report from FDOT. The distribution of Formula-based Funding for Fiscal Year 2026 (which is based on Fiscal Year 2023 reporting to FDOT) is shown on Exhibit B. Each Fiscal Year, on or about July 31, County will advise Municipalities of County's then-known best estimate of Formula-based Funding that each Municipality will be eligible to receive for Municipal R&M Projects and On-demand Transportation Services for the upcoming Fiscal Year.

4.3.3. Minimum Requirements for Formula-based Funding for Municipal R&M Projects. Formula-based Funding that a Municipality elects to use for Municipal R&M Projects is intended to supplement, and not supplant, the amounts Municipality already spends from non-Transportation Surtax revenue sources for such activities. Supplanting occurs when a Municipality reduces its use of non-Transportation Surtax funds for activities that would otherwise qualify as a Municipal R&M Project because Transportation Surtax funds are available (or expected to be available) to fund that same project or activity. Supplementing occurs when Transportation Surtax funds are provided to a Municipality for Municipal R&M Projects to enhance existing projects, to undertake new projects, or accelerate projects planned in future Fiscal Years. Contemporaneous with a Municipality's submission of its list of proposed Municipal R&M Projects each Fiscal Year, Municipality shall, through its Municipal Single Point of Contact or another individual specifically authorized by the Municipality's elected body, represent and warrant in writing to County that Formula-based Funding for Municipal R&M Projects will not be used to supplant non-Transportation Surtax projects approved and/or adopted in the Municipality's budget. County may annually audit each Municipality's compliance with the requirements of this

section. A Municipality using the Formula-based Funding for Municipal R&M Projects that are currently budgeted may be evidence of supplanting. If County determines at any time that any Municipality has utilized Formula-based Funding to supplant funding for activities from non-Transportation Surtax funding, then County may, in the County Administrator's discretion, withhold future Formula-based Funding up to the amount determined to have been supplanted in the applicable Fiscal Year(s). If circumstances outside the reasonable control of Municipality render it unable to meet the requirements contained in this section in a given Fiscal Year (e.g., change in law regarding ad valorem taxation; act of God causing emergency expenditure of non-Surtax dollars by Municipality such as a hurricane or tropical storm; etc.), or if a Municipality believes that other good cause exists for it to be able to use Formula-based Funding for a Fiscal Year for a Municipal R&M Project that is in that Municipality's adopted budget for that same Fiscal Year, Municipality may request in writing from the County Administrator to have the requirements contained in this section waived or modified for that Fiscal Year, which waiver or modification may be granted or denied, in whole or in part, in the County Administrator's sole discretion.

4.3.4. Application, Review, and Approval of Municipal R&M Projects. Within thirty (30) days after County provides Municipalities with the amounts for Formula-based Funding for the upcoming Fiscal Year, each Municipality must submit, on a form approved by MAP Administration, a list of proposed Municipal R&M Projects on which Municipality intends to utilize its Formula-based Funding for the upcoming Fiscal Year. The list must include at least the following details for each proposed Municipal R&M Project: (i) a description of the geographic areas of the project; (ii) the anticipated start and completion date of work to be performed in connection with the project; (iii) the proposed CBE commitment for the project, which shall be at least the minimum requirements provided for in this 2025 ILA; and (iv) such other details as may be requested by MAP Administration. Upon receipt of the list, County will review the proposed projects for eligibility pursuant to Section 212.055(1)(d), Florida Statutes, and this 2025 ILA, and to determine whether the projects or proposed timing will create negative impacts, including but not limited to potential conflicts with other proposed or ongoing projects (whether municipal, county, state, or federal). Within sixty (60) days after receipt of each Municipality's list, MAP Administration shall notify Municipality, in writing, if (a) the projects are approved as submitted (in which case MAP Administration shall advise what the CBE goals, if any, are required for the project(s)); (b) the projects have been found statutorily eligible or ineligible (in whole or in part) for Transportation Surtax funding; and/or (c) a conflict with another project exists. If a proposed project is deemed statutorily ineligible for funding or a conflict with another project exists, MAP Administration will advise Municipality that it may either delay the commencement date or submit a replacement project (as applicable).

4.3.5. Deferral of Formula-based Funding for Municipal R&M Projects. A Municipality may elect, in any given Fiscal Year, to defer receipt of its Formula-based Funding for Municipal R&M Projects to allow it to receive a larger sum in such later Fiscal Year and

permit it to perform larger Municipal R&M Projects. A Municipality that wishes to defer its Formula-based Funding pursuant to this section must provide MAP Administration with written notification of its intention to defer within sixty (60) days after County notifies Municipality of its Formula-based Funding amount for that Fiscal Year; election to defer does not alleviate Municipality's obligation to timely provide the project details required in Section 4.3.4 above in the Fiscal Year it intends to use the deferred funding. Municipality may, with timely notice to MAP Administration, defer its Formula-based Funding for Municipal R&M Projects for up to three (3) consecutive Fiscal Years. Deferral requests for more than three (3) consecutive Fiscal Years and up to five (5) consecutive Fiscal Years are subject to review and approval of the County Administrator, in their discretion. No Municipality may seek a deferral of Formula-based Funding for more than five (5) consecutive Fiscal Years after the Fiscal Year that Municipality was scheduled to receive such funding. Deferred funds that would otherwise have been allocated to Municipality for R&M Projects but for Municipality's deferral request will be held by County until the Fiscal Year following the deferral period. Such deferred funds will be counted towards the Minimum Annual Guarantee in the Fiscal Year(s) the funds would have been paid to the Municipality but for the deferral request and shall not count towards the Minimum Annual Guarantee in the Fiscal Year(s) such amounts are paid as a result of the deferral request. Deferrals pursuant to this section shall affect only the timing of Municipality's receipt of the Formula-based Funding and shall not impact the amounts allocated to Municipality pursuant to Section 4.3.2. above.

4.3.6. On-demand Transportation Services. Each Municipality shall have the discretion to utilize all or some of its annual Formula-based Funding for On-demand Transportation Services as it deems appropriate, subject to Municipality entering into a written agreement with the On-demand Transportation Service provider and further subject to meeting the eligibility criteria and other requirements stated in this 2025 ILA and the provisions of this section:

4.3.6.1. A Municipality with an existing Community Shuttle may not terminate or reduce the services associated with that program and replace it with On-demand Transportation Services except with the prior written consent of County's Transportation Department Director or written designee, and until after all vehicles purchased for Municipality's Community Shuttle program (including any applicable joint Community Shuttle program) have met or exceeded the minimum useful life expectancy under applicable Federal Transportation Administration ("FTA") regulations and guidelines (currently five (5) years in service and at least two hundred fifty thousand (250,000) miles).

4.3.6.2. Municipality represents and warrants that its agreements with any On-demand Transportation Services provider and all vehicles used by such provider will at all times comply with all Applicable Law, including without limitation all FTA drug and alcohol testing requirements for transit operators, the ADA, and (to the extent applicable) Florida law regarding the operation of low-speed vehicles. In

addition, Municipality agrees that each contract it enters into with an On-demand Transportation Services provider includes a requirement that the provider obtain and maintain automobile business liability insurance (including owned, hired, non-owned, scheduled) in an amount not less than one million dollars (\$1,000,000) per occurrence for property damage and not less than one million dollars (\$1,000,000) per occurrence for bodily injury, with both Municipality and County named as additional insureds under such policies.

4.3.6.3. Prior to the commencement of On-demand Transportation Services funded by Transportation Surtax Proceeds, each Municipality shall provide County, on a form approved by MAP Administration, the name of each On-demand Transportation Services provider with which it has contracted to perform such services, a copy of the contract with such provider, the provider's Certificate of Insurance, and such other information as may be requested by MAP Administration.

4.3.6.4. Each Municipality utilizing Transportation Surtax Proceeds to provide On-demand Transportation Services is solely responsible for administering all contracts it has entered with providers of such services and shall, to the maximum extent allowable under Applicable Law, indemnify, defend, and hold County harmless from all claims, causes of action, and damages of any kind associated with such On-demand Transportation Services.

4.3.7. Payment of Formula-based Funds; Return of Unused Funds. Except if a Municipality has elected to defer receipt of Formula-based Funding for a specific Fiscal Year as provided for in Section 4.3.5, each Municipality will receive its annual Formula-based Funds, in full, within forty-five (45) days after County's approval of Municipality's list of proposed Municipal R&M Projects and On-demand Transportation Services (if applicable). If a Municipality does not wish to receive advance funding and would rather receive its Formula-based Funding quarterly throughout the Fiscal Year on a reimbursement basis, the Municipality may make such request in writing to the County Administrator, who shall have the authority, in their discretion, to approve or reject such request. If a Municipality does not fully encumber all Formula-based Funds in a single Fiscal Year (i.e., not committed to an approved project already under contract), within thirty (30) days after the issuance of Municipality's annual comprehensive financial report, Municipality shall notify the County in writing regarding the status of such unencumbered funds and may request to have those unencumbered funds rolled over to the next Fiscal Year so that the project(s) on which such funds were intended to be used can be completed. The County Administrator, upon receipt of the Municipality's request, may either approve the rolling over of such funds to the same project, which must be completed within the next Fiscal Year, or direct in writing that such unencumbered funds be returned to County within sixty (60) days of such written direction, and such funds may be reallocated by County towards approved Municipal R&M Projects and On-demand Transportation Services for the next Fiscal Year (e.g., a refund of Formula-based Funding

received for Fiscal Year 2026 may be requested by the Municipality for Municipal R&M Projects and On-demand Transportation Services for Fiscal Year 2027).

4.3.8. Small Municipality Formula-based Funding Enhancement. A Municipality that has less than or equal to one percent (1%) of Centerline Miles within Broward County and does not, as of the Effective Date, have a Community Shuttle operating within the Municipality, may elect, at any time, to permanently waive for the term of this 2025 ILA the ability to seek funding for Community Shuttle, the Grant Match Program, and for New Municipal Capital Projects. Such waiver must be in writing, approved by the elected body of Municipality, and delivered to MAP Administration. Should a Municipality provide County with such a waiver, that Municipality's annual Formula-based Funding amount will be increased by an amount equal to the percentage of Centerline Miles owned by that Municipality, divided by the total number Centerline Miles within all Municipalities, and then multiplied by the total amount funded that Fiscal Year for Municipal R&M Projects, On-demand Transportation Services, and the Grant Match Program. For example, if Municipality has 0.5% of the Centerline Miles located within all Municipalities within Broward County, and \$40 million is allocated that Fiscal Year for Municipal R&M Projects and On-demand Transportation Services and the Grant Match Program, the increase in Municipality's Formula-based Funding for that Fiscal Year will be \$200,000 (i.e., \$40 million x 0.5%).

4.4. Funding of Municipal Capital Projects and Municipal Capital Project Tails.

4.4.1. Municipal Capital Projects with Existing Surtax Funding Agreements. Municipalities seeking funding for the next phase(s) of previously approved Municipal Capital Projects that are included in the current or prior Municipal Five-Year Plans and that are already under a Surtax Funding Agreement as of the Effective Date must enter into a new Surtax Funding Agreement that will govern all future phases of that project.

4.4.2. Municipal Capital Projects without a Surtax Funding Agreement. Municipal Capital Projects that have not been the subject of a Surtax Funding Agreement prior to the Effective Date must have a fully executed Surtax Funding Agreement in order to be funded with Transportation Surtax Proceeds.

4.4.3. Municipal Capital Project Tails. Municipal Capital Projects that were approved for planning or design phases prior to the Effective Date, and for which subsequent phases were not included in any Municipal Five-Year Plan prior to the Effective Date, will be prioritized for funding of subsequent phases in future Fiscal Years, subject to the processes described in this section. A list of these projects and currently recommended funding amounts is attached as Exhibit C. Each Fiscal Year, MAP Administration will conduct a readiness review of the projects identified in Exhibit C and identify which

projects are able to receive funding and identify the anticipated Fiscal Year in the Five-Year Plan in which funding will be provided.

4.4.4. Municipal Capital Project Contingency; Cost Escalation. Municipal Capital Project Contingency will only apply to or be available to fund construction-phase Municipal Capital Projects. Contingency amounts included in any Surtax Funding Agreement will be part of the maximum not-to-exceed Transportation Surtax funding amount for that phase of the project, inclusive of any Transportation Surtax funding rolled over from previous phases. A Municipality may request that additional Municipal Capital Project Contingency be added to a Surtax Funding Agreement above and beyond the maximum not-to-exceed amount of Transportation Surtax funding awarded for the project during the negotiation of the Surtax Funding Agreement. If there are appropriated but unallocated Transportation Surtax Funds within the Adopted Municipal Transportation Surtax Funding, the County Administrator may, in their sole discretion and on a case-by-case basis, agree to include in the Surtax Funding Agreement a line item for Municipal Capital Project Contingency up to a maximum amount not-to-exceed twenty-five percent (25%) of the Transportation Surtax-funded portion of the Municipal Capital Project. The Transportation Surtax funds associated with Municipal Capital Project Contingency are payable on a reimbursement basis and may only be requested by Municipality after all work on the applicable project has been completed, as documented by final invoices for the project and certifications of completion from Municipality (including attestations from Municipality's project manager or engineer of record on the applicable project).

4.5. Grant Match Program. Commencing in Fiscal Year 2026 and continuing each subsequent Fiscal Year through Fiscal Year 2033, subject to the prioritization schedule shown in Section 4.1, County may allocate a portion of Adopted Municipal Transportation Surtax Funding towards a Grant Match Program. For Fiscal Year 2034 through Fiscal Year 2048, Grant Match Program funding shall be set at forty percent (40%) of the Adopted Municipal Transportation Surtax Funding after deducting the full maximum contracted amount for all Municipalities' Community Shuttle. The purpose of the Grant Match Program is to allow Municipalities to seek Transportation Surtax funds for use toward required local match amounts in connection with state or federal grant funding or appropriations for otherwise Eligible Municipal Projects. In addition to all other requirements contained in this 2025 ILA, the following shall apply to the Grant Match Program:

4.5.1. Each Municipality seeking funding from the Grant Match Program for an Eligible Municipal Project shall submit an application to MAP Administration providing details of the proposed Eligible Municipal Project for which funding is sought including, without limitation: (a) the geographic area where the project will be constructed; (b) the proposed start and completion date of the project; (c) the state or federal grant program or appropriation; (d) a copy of the grant application or notice of funding award (if applicable); and (e) such other information as MAP Administration may require.

4.5.2. Each proposed project is subject to County review for eligibility under Section 212.055(1)(d), Florida Statutes, and this 2025 ILA.

4.5.3. Approval may be subject to confirmation that the proposed project does not create deleterious competition to a project actively supported by County.

4.5.4. Each Municipality shall only be able to apply for funding from the Grant Match Program one (1) time each Fiscal Year. Multiple Municipalities may apply jointly for funding from the Grant Match Program for projects that are located within their collective jurisdictions. A joint application shall count as an application by each Municipality participating in the joint project.

4.5.5. To be eligible for funding through the Grant Match Program, the Municipality (or Municipalities, if a joint project) must pledge to fund at least twenty-five percent (25%) of the required local match from non-Transportation Surtax Funds.

4.5.6. Depending on availability of funds, County may, at the beginning of each Fiscal Year, establish and notify Municipalities of a per-project limit on match funding from the Grant Match Program.

Funding from the Grant Match Program is generally available on a first-come/first-served basis throughout the Fiscal Year. Funding from the Grant Match Program in the amount requested by each Municipality will be encumbered upon MAP Administration's approval of a completed Grant Match Program application. Municipality must notify MAP Administration in writing regarding the status of their grant or appropriation application no later than thirty (30) days after notices of award are announced by prospective grantors. If a Municipality is not awarded the state or federal grant or appropriation during that grant or legislative cycle, the Grant Match Program approval will be deemed cancelled and the encumbered funds will be made available to other Municipalities that wish to apply for funding from the Grant Match Program. If a Municipality receives a reduced amount of the grant or appropriation, the funding from the Grant Match Program will be reduced in a proportionate amount.

If Municipality is awarded a grant or appropriation for the Eligible Municipal Project and will receive funding from the Grant Match Program, in addition to all other obligations contained in the grant or appropriation agreement, Municipality must comply with all other requirements of this 2025 ILA in connection with its receipt of Transportation Surtax funding for that project, including the obligation to enter into a Surtax Funding Agreement for the project. To the extent there is any express, direct conflict between (a) the terms of this 2025 ILA and/or a Surtax Funding Agreement and (b) the requirements contained in any state or federal grant or appropriation (e.g., prohibitions or limitations on CBE or other County ordinance, etc.), the requirements of the federal or state grant or appropriation shall govern.

Commencing in March of each Fiscal year, MAP Administration will review the status of all previously approved Grant Match Program funding requests and cancel approvals of Grant Match Program funding under the following circumstances: (i) the grant or appropriation was not

awarded to the applicable Municipality; (ii) the Municipality's project was selected for the grant/appropriation but the award level is insufficient to allow the project to move forward without additional (and unavailable) non-Surtax funds from the Municipality; or (iii) the grant program ends without making an award. If a Grant Match Program approval is canceled, the Transportation Surtax funds associated with the County grant for that project will be unencumbered and be made available for other Eligible Municipal Projects, as more fully described in Section 4.6 below.

4.6. Unencumbered Grant Match Program Funds; New Municipal Capital Projects.

If approved Grant Match Program funding is unencumbered as provided in Section 4.5 above, MAP Administration will periodically notify the BCCMA in writing of the amount of funding that has become unencumbered and request that the BCCMA provide a written response regarding how such unencumbered funds should be utilized during the next Fiscal Year (i.e., reapplied to the Grant Match Program, used for additional Formula-based Funding for Municipal R&M Projects and On-demand Transportation Services, or dedicated to fund New Municipal Capital Projects through a competitive application process). If the BCCMA does not provide a written response to MAP Administration within sixty (60) days after receipt of the notice regarding the unencumbered funds, the County Administrator may, in their discretion, determine the disposition of such funds for Eligible Municipal Projects for the next Fiscal Year.

If the BCCMA advises that it wishes to have the unencumbered funds used to pay for New Municipal Capital Projects through a competitive application process, the BCCMA and MAP Administration will collaborate to establish the timeline for submission of such applications, the criteria to be utilized by the BCCMA to rank such applications, and any other material aspects of the program. The details regarding the application process and program will be distributed to all Municipalities at least sixty (60) days prior to the deadline for applications. All applications will be reviewed by County for eligibility for Transportation Surtax Funding pursuant to Section 212.055(1)(d), Florida Statutes, and the terms of this 2025 ILA. After eligibility determinations are made and the BCCMA completes its ranking process, the BCCMA shall provide the County Administrator with its list of recommended New Municipal Capital Projects. Any Municipality recommended for a New Municipal Capital Project that is ultimately approved by the County Commission for Transportation Surtax funding must enter into a Surtax Funding Agreement to receive Transportation Surtax funding.

ARTICLE 5. DISTRIBUTION OF TRANSPORTATION SURTAX PROCEEDS

5.1. County's Minimum Annual Guarantee; Project Funding; Annual True-Up.

5.1.1. For each Fiscal Year, the annual amount of Transportation Surtax appropriated for Eligible Municipal Projects shall be no less than the Minimum Annual Guarantee for the applicable Fiscal Year. Notwithstanding anything else stated in this 2025 ILA, the Parties acknowledge and stipulate that County has no obligation to fund Eligible Municipal Projects in any Fiscal Year in excess of the Minimum Annual Guarantee. In addition, the

Parties acknowledge and stipulate that County may in any Fiscal Year, without any further condition and in its sole discretion, utilize Transportation Surtax Proceeds in excess of the Minimum Annual Guarantee amount allocated to the Municipalities for that Fiscal Year to fund Eligible Municipal Project(s), whether or not the project(s) were ever ranked by the BCCMA and regardless of any ranking priority that had previously been assigned to the project(s). Further, the Parties agree that: (i) any Eligible Municipal Project's previous ranking does not apply to Municipal Capital Projects or Municipal R&M Projects that County elects to fund in excess of the Minimum Annual Guarantee; and (ii) County has complete discretion to fund any such Eligible Municipal Projects in excess of the Minimum Annual Guarantee if, and on such terms and conditions, that County chooses.

5.1.2. Each Fiscal Year, County shall perform an Annual True-Up comparing (i) the Adopted Municipal Transportation Surtax Funding for the previous Fiscal Year against (ii) the actual Transportation Surtax Proceeds received by County and (iii) the actual amount paid out to Municipalities for Eligible Municipal Projects.

5.1.2.1. If, as a result of the Annual True-Up, County determines that County received less Transportation Surtax Proceeds than anticipated and, as a result, the Adopted Municipal Transportation Surtax Funding paid to Municipalities in a Fiscal Year was more than the percentage of Transportation Surtax Proceeds that County advised Municipalities was committed by County to Municipalities for that Fiscal Year (such amount being the "Overpayment Amount"), County may, in the County Administrator's discretion, reduce the Adopted Municipal Transportation Surtax Funding in the next Fiscal Year or delay funding for Municipal Capital Projects (where: (a) a Surtax Funding Agreement for a construction phase has not been executed; or (b) the Municipality has not completed its solicitation or no Notice of Proceed to a contractor has been issued) until a future Fiscal Year, or a combination of both, provided the total amounts reduced or delayed does not exceed the Overpayment Amount. For example, if County anticipated to receive \$500 million in Transportation Surtax Proceeds for Fiscal Year 2025, and County committed 10% (\$50 million) to Municipalities for that Fiscal Year (so the Adopted Municipal Transportation Surtax Funding was budgeted at \$50 million), and upon completing the Annual True-Up in April/May 2026, County determined that only \$480 million in Transportation Surtax Proceeds were actually received by County in Fiscal Year 2025, County may reduce the Adopted Municipal Transportation Surtax Funding in Fiscal Year 2027 by the Overpayment Amount of \$2 million).

5.1.2.2. If, as a result of the Annual True-Up, County determines that either (i) more Transportation Surtax Proceeds were received by County than anticipated; or (ii) the full amount of Adopted Municipal Transportation Surtax Funding was not appropriated in that Fiscal Year for Community Shuttle and/or Eligible Municipal Projects (with the additional funds or the under-appropriated funds being the "Differential Amount"), then County, in its sole discretion, after

consultation with the BCCMA, will: (i) make funding available in the current Fiscal Year for Municipal Capital Project Contingency; and/or (ii) roll over funds to the next Fiscal Year to increase (a) the Formula-based Funding for Municipal R&M Projects and On-demand Transportation Services and/or (b) the funding of the Grant Match Program; the total additional funding available in the current Fiscal Year and the roll over funds to the next Fiscal Year shall not exceed the Differential Amount. For example, if County anticipated receiving \$500 million in Transportation Surtax Proceeds for Fiscal Year 2025, and committed 10% (\$50 million) in Transportation Surtax Proceeds to Municipalities for that Fiscal Year, and upon completing the Annual True-Up in April/May 2026, County determined that \$520 million in Transportation Surtax Proceeds was actually received in Fiscal Year 2025, County may add funding in Fiscal Year 2026 to Municipal Capital Project Contingency and/or increase the Adopted Municipal Transportation Proceeds in Fiscal Year 2027, up to an aggregate total of \$2 million. Any increase in funding to Municipalities due to the Annual True-Up shall not count towards the Minimum Annual Guarantee for the Fiscal Year in which the increase is made.

5.1.3. Upon a written request from a Municipality, County in its sole discretion may apply previously approved funding for a designated phase (i.e., planning and design) of an Eligible Municipal Project previously approved (whether during the term of this 2025 ILA or an earlier version of the ILA) to another phase of the same project (i.e., design or construction) if the following conditions are met: (i) the previously recommended phase(s) are completed or other circumstances render Transportation Surtax funding of those phase(s) futile (e.g., the phase was funded with non-Transportation Surtax funds); (ii) the replacement phase to be funded has been deemed by County to be statutorily eligible for Transportation Surtax funding; and (iii) Municipality demonstrates to MAP Administration that it has committed sufficient non-Transportation Surtax funds necessary to complete the replacement project phase. The funding amount previously approved for the replaced phase is the maximum amount that County will apply to the replacement phase. Any funding reallocated pursuant to this section shall be counted towards County's Minimum Annual Guarantee obligations for the applicable Fiscal Year that such funding was originally allocated.

5.1.4. The timing and process of funding any Eligible Municipal Project shall be consistent with Applicable Law, including Section 129.01, Florida Statutes. Transportation Surtax Proceeds shall not be utilized to fund any Eligible Municipal Project unless County has determined the project is legally eligible for funding with Transportation Surtax Proceeds. Notwithstanding anything in this 2025 ILA to the contrary, Transportation Surtax Proceeds may not be used to fund: (i) an Eligible Municipal Project submitted by a municipality that is not a party to this 2025 ILA; or (ii) any project (or element of a project) that is determined to be statutorily ineligible to be funded with Transportation Surtax Proceeds.

5.1.5. Reimbursements to Municipalities for Eligible Expenditures. Except for Formula-based Funding provided to Municipalities in accordance with this 2025 ILA, all other payments to Municipalities will be based on the funding schedule provided for in the applicable Surtax Funding Agreement (which may include advance funding and/or reimbursement-based funding). To the extent permissible under Applicable Law, the Surtax Funding Agreement may be executed after Municipality has expended non-Surtax funds on an Eligible Municipal Project but must be executed before County provides any Transportation Surtax funds for the Eligible Municipal Project, and the applicable Surtax Funding Agreement shall govern the eligibility (if any) of Municipality's earlier expenditures for reimbursement. Funding shall be limited to the funds budgeted and allocated for that project in the then-current Fiscal Year, as distributed by County consistent with this 2025 ILA.

5.2. County's Annual Budget and Five-Year Plan.

5.2.1. Minimum Annual Guarantee Satisfaction through Fiscal Year 2025. The Parties agree and stipulate that to the best of each Party's knowledge, funding allocated by County for Eligible Municipal Projects through the Effective Date meets all Minimum Annual Guarantee obligations through Fiscal Year 2025.

5.2.2. Fiscal Year Budgets and Five-Year Plans for Fiscal Year 2026 through 2033. For Fiscal Year 2026 and continuing through Fiscal Year 2033, in the normal course of County's annual budget and capital improvement planning process, County will, through the County Commission acting within its discretion, allocate funding for projects funded by the Transportation Surtax for the then-current Fiscal Year and approve a Five-Year Plan, including Eligible Municipal Projects and County projects planned to utilize Transportation Surtax funding.

5.2.3. County Commission Approval; Allocation for Eligible Municipal Projects. Through and including Fiscal Year 2033, MAP Administration will develop a proposed Municipal Five-Year Plan that includes at least the Adopted Municipal Transportation Surtax Funding, consistent with prior rankings made under the Second Amendment (subject to this 2025 ILA and any subsequent amendments) and County funding recommendations for the applicable Fiscal Years. MAP Administration will notify the BCCMA and Municipalities of County's proposed Municipal Five-Year Plan and the recommended municipal Transportation Surtax program for the applicable timeframe. As used in this 2025 ILA, an Eligible Municipal Project (including, as applicable, the designated phase of an Eligible Municipal Project) is "funded" when the allocation of funding for the Eligible Municipal Project (or the designated phase, as applicable) is included in County's adopted budget for that Fiscal Year. A list of all municipal Transportation Surtax funded projects (Municipal Capital Projects and Municipal R&M Projects) for Fiscal Years 2020 through 2029 are attached as Exhibit D.

5.2.4. County's Discretion to Reorder Funding of Eligible Municipal Projects. The Parties agree and stipulate that County, with written approval of the County Administrator or their written designee, under the circumstances set forth herein, may deviate from rankings of Eligible Municipal Projects to accelerate or delay funding of an Eligible Municipal Project for the applicable Fiscal Year with the goal of ensuring Transportation Surtax Proceeds are utilized legally, responsibly, efficiently, and with the least disruption to visitors, residents, and businesses. Deviations from rankings of Eligible Municipal Projects in one Fiscal Year shall not operate to automatically modify the order of priority for funding of Eligible Municipal Projects in any subsequent Fiscal Year, which decision shall remain with the County Administrator or their written designee and subject to the provisions of this section. If County uses its discretion pursuant to this section in any Fiscal Year, it shall provide written notice to the impacted Municipality(ies) of such deviation and the reason(s) for such deviation and commit to promptly fund any delayed Eligible Municipal Project(s) once the reason(s) for the deviation as stated in County's written notice are resolved, subject to the availability of Transportation Surtax funds committed by County for the applicable Fiscal Year. The circumstances under which County may exercise its discretion pursuant to this section include but are not limited to the following:

- a. Demonstrated need, documented in writing, to coordinate the construction timeline of the applicable Eligible Municipal Project and the timing of other projects that affect the same or nearby transportation elements, to avoid waste;
- b. The Eligible Municipal Project is scheduled for construction funding for that Fiscal Year but is not ready for construction to commence for any of the following reasons:
 - (i) The Municipality does not have 100% complete, signed, sealed, design plans and required construction documents for the project;
 - (ii) The Municipality has not obtained the written approval necessary to construct the project from the owner(s) of the impacted road(s);
 - (iii) Right-of-way required to construct the project has not been acquired;
 - (iv) The permits required to construct the project have not been obtained;
 - (v) The utility relocation required for the project to begin construction work has not been completed or a utility relocation plan has not yet been approved by all applicable entities;

(vi) Design plans for the Eligible Municipal Project materially change the project in ways that impact the construction phase or otherwise impact the project's statutory eligibility, as determined by the Transportation Surtax General Counsel;

(vii) Non-Transportation Surtax funding required to construct the project is not available; or

(viii) The construction of the project requires coordination with other projects being constructed in the area.

c. The applicable Municipality(ies) fails to execute or materially breaches a Surtax Funding Agreement or this 2025 ILA;

d. The timing of a Municipality's receipt of non-Transportation Surtax funding in the form of grants and/or appropriations necessitates modifying a project schedule; and/or

e. When necessary to comply with the laws, rules, court decisions, orders, and regulations of applicable governmental authorities.

5.3. County Discretion to Terminate Funding for Municipal Capital Projects. MAP Administration may, in its discretion, terminate funding for a Municipal Capital Project, in any phase, if (i) it fails to meet the construction-ready requirements listed in Section 5.2.4. above, or (ii) Municipality fails to enter into a Surtax Funding Agreement within 180 days after (a) the project's funding is appropriated by the County Commission, and (b) all prior phases and County reviews and approvals of the project have been completed (e.g., OESBD review, etc.). If a project is terminated, it will lose its ranking and its allocated funding will become available to fund other Eligible Municipal Projects for any of the applicable Municipalities in the then-current Fiscal Year or within two (2) Fiscal Years thereafter, whether through the Formula-based Funding or by additional funding being made available to the Grant Match Program or for Municipal Capital Project Contingency (construction projects only). Such reallocated funding from terminated projects shall count towards County's satisfaction of the Minimum Annual Guarantee in the Fiscal Year in which the funding was originally intended to be spent and not in the Fiscal Year in which it was reallocated to other Eligible Municipal Projects. A Municipality may elect to resubmit for consideration, in a subsequent Fiscal Year, an Eligible Municipal Project previously terminated by County. If Municipality disagrees with MAP Administration's termination of a project pursuant to this section, Municipality may, within fifteen (15) days after MAP Administration provides written notice to Municipality of termination, provide MAP Administration with written notice of its intent to seek further review of the termination and request for up to an additional ninety (90) day extension from County to either satisfy the conditions that were the basis of the determination to terminate or have the project be placed under a Surtax Funding Agreement, as applicable. Municipality shall, within thirty (30) days after timely providing notice of its intent to seek further review, provide MAP Administration with all documentation and other materials it wishes to have considered by the County Administrator. The decision of the County Administrator

on whether to confirm the termination or provide the extension to Municipality is final. If the County Commission amends the Transportation Surtax Ordinance to authorize the Oversight Board to perform the functions of County Administrator set forth in this section regarding review and consideration of extension requests, all references to the County Administrator in this section relating to extension requests shall be automatically replaced with "Oversight Board."

5.4. County's Discretion to Deliver an Eligible Municipal Project. County may elect, at any time prior to executing a Surtax Funding Agreement for the project and with the consent of the applicable Municipality(ies) (which consent shall not be unreasonably withheld), to have County or FDOT deliver any Eligible Municipal Project. County will provide written notice to the Municipality of its intent to deliver the project. In such circumstances, the funding that would have been provided to Municipality for it to deliver the Eligible Municipal Project will be retained by County and/or paid to FDOT for the construction of the project. Notwithstanding the delivery of an Eligible Municipal Project by County or FDOT, the funding for the project will be counted toward that Fiscal Year's satisfaction of County's Minimum Annual Guarantee obligations.

5.5. Surtax Funding Agreements. For each Eligible Municipal Project, the Municipalities shall receive Transportation Surtax Proceeds from County subject to and upon execution of a Surtax Funding Agreement between County and Municipality. Transportation Surtax-funded Eligible Municipal Projects must comply with the County Business Enterprise Program (in effect at the time the Surtax Funding Agreement is executed) and include a CBE goal as determined by the Office of Economic and Small Business Development. As of the Effective Date, each Eligible Municipal Project (other than On-demand Transportation Services) shall include, to the extent permitted by Applicable Law, at least a 30% CBE commitment of the Transportation Surtax Proceeds utilized for the project, unless such requirement is determined inapplicable by the Director of County's Office of Economic and Small Business Development or is modified or waived by the County Commission. In addition to the foregoing, each Surtax Funding Agreement will include various requirements that Municipality must agree to in connection with the project, including without limitation requirements that it comply with all Applicable Law relating to the procurement of the contractor performing the work, the utilization of certain provisions contained within County's surtax-funded construction contract, obligations to provide financial and status reports regarding the project for the project's duration, adequate supporting documentation, and such other requirements as may be requested by MAP Administration.

ARTICLE 6. ADDITIONAL REQUIREMENTS

6.1. Each Municipality shall: (a) fully comply and otherwise fully cooperate with the auditing, project review, and oversight requirements stated in Section 31½-71, et seq., Broward County Code of Ordinances, as same may be amended by County; (b) ensure that all of its expenditures of Transportation Surtax Proceeds are consistent with Applicable Law and with any conditions required by the County Commission; and (c) comply with the reporting requirements stated in the applicable Surtax Funding Agreement, which may include requirements to report project financials, performance data, and deliverables, as may be prescribed by MAP Administration.

6.2. Reporting and Accounting. Each Municipality receiving Transportation Surtax Proceeds shall deposit and maintain all Transportation Surtax Proceeds in a segregated fund or account, which shall be subject to annual reporting by Municipality as part of Municipality's required independent financial audit, along with audit by County and/or the Oversight Board. Any interest earned or proceeds received by Municipality for any Transportation Surtax funds shall constitute Transportation Surtax Proceeds and may only be utilized by Municipality for Eligible Municipal Projects and in accordance with the terms of the applicable Surtax Funding Agreement. Upon prior written approval by County, Municipality may utilize other methods of separate accounting for the Transportation Surtax Proceeds provided the accounting method permits a full and complete audit of the funds.

6.3. Permitting. To limit public inconvenience and facilitate the expeditious and efficient completion of projects funded with Transportation Surtax Proceeds, for any project funded by Transportation Surtax Proceeds that is performed by County and is in whole or in part within the geographical boundaries of Municipality, that Municipality shall waive, unless prohibited by applicable state or federal law, all municipal permitting requirements, except that this requirement shall not apply to any portion of construction work performed by County that will be owned, operated, and maintained by that Municipality. This waiver shall apply to, without limitation, the requirements of permit application, permit issuance, inspections, and permitting fees. County shall be responsible for ensuring adequate plan review, inspections, and compliance with state and County standards for work performed by County. County shall waive all County permitting fees for Municipal Capital Projects and Municipal R&M Projects unless and to the extent prohibited by applicable state or federal law.

6.4. Road Closures. To the extent requested by County, each Municipality shall institute and comply with a cooperative notification program, in a format prescribed by County, that ensures County is promptly notified and promptly provided with data reasonably requested by County regarding all municipal roads in Municipality that are closed for any reason, including but not limited to construction of Eligible Municipal Projects, other construction, or flooding.

6.5. Branding and Marketing. Each Municipality shall participate in reasonable branding and marketing efforts in the manner and content prescribed by County, including but not limited to signage prominently acknowledging that the applicable projects are funded with Transportation Surtax Proceeds. Such branding and marketing shall utilize County-approved wording, logos, or other imagery that acknowledges the project contributions of County, the applicable Municipality or Municipalities, and other participating agencies, when applicable. Municipalities receiving Transportation Surtax funds must coordinate with MAP Administration regarding the type, location, and quantities of signage for each project. The costs for all construction signage, memorialized signage, and other branding and marketing materials requested by County pursuant to this section shall be paid by MAP Administration using Transportation Surtax Proceeds. County branding and marketing materials for Eligible Municipal Projects does not count towards the Minimum Annual Guarantee.

6.6. Data Collection and Sharing. To the extent requested by MAP Administration, each Municipality shall ensure that each of its projects funded in whole or in part with Transportation Surtax Proceeds includes incorporation and placement of sensors or other devices on municipal roads, rights-of-way, properties, and assets, for County-approved applications for mobility-related data collection purposes, provided such placement shall not unreasonably interfere with the aesthetics or Municipality's use of such roads, rights-of-way, properties, or assets. County shall fund the costs for any such incorporation and placement requested by County. To the extent that Municipality controls data collection from these sensors or other devices, each Municipality shall ensure the collection of data includes and is consistent with the scope, type, frequency, quantity, and format requested by County to facilitate countywide collection and utilization of transportation data. For the useful life of the applicable Eligible Municipal Project, to the extent requested by MAP Administration, each Municipality shall provide County with all access to such data, including recurring or real-time access or periodic download, as appropriate.

ARTICLE 7. GENERAL PROVISIONS

7.1. Term of Agreement. This 2025 ILA shall remain in full force and effect until all Transportation Surtax Proceeds paid by County for Eligible Municipal Projects have been fully expended by all Municipalities and ninety (90) days have elapsed after the Oversight Board has completed its review of each applicable Party's final audit.

7.2. No Impact on Future Levies. Nothing in this 2025 ILA shall impact in any way, whatsoever, any future ballot question seeking to impose, extend, or increase any levy of any surtax, or impact in any way any distribution from any such new, extended, or increased levy.

7.3. Funding Limited to Transportation Surtax Proceeds. County's funding obligations under this 2025 ILA shall be met using only Transportation Surtax Proceeds, and all funding provided by County shall be consistent with and subject to Applicable Law, including Section 129.01, Florida Statutes. Should there be a change in Applicable Law that results in the elimination or otherwise materially modifies the Transportation Surtax (e.g., a requirement that County reduce *ad valorem* taxes as a condition of keeping the Transportation Surtax, etc.), County shall have the right, in the County Commission's discretion, to terminate this 2025 ILA and any Surtax Funding Agreement then in effect, with such termination(s) effective as of the change in Applicable Law, and no further funding obligations pursuant to this 2025 ILA or the applicable Surtax Funding Agreement shall remain after the effective date of such termination. Notwithstanding the termination right referenced in the prior sentence, Surtax Funding Agreements that were executed prior to the effective date of the change in Applicable Law will not be terminated so long as the change in Applicable Law contains a "grandfathering" provision that permits County to continue funding such Surtax Funding Agreements with Transportation Surtax Proceeds through the expiration of such agreements. Any termination by County pursuant to this section shall not constitute a breach of any obligations to the Municipalities hereunder or under any Surtax Funding Agreement.

7.4. Amendment. This 2025 ILA may be amended, and such amendment shall be binding on all Parties, as follows:

7.4.1. By a written document formally approved by County and by such Municipalities that both (i) constitute a majority of Municipalities that are a Party to this 2025 ILA, and (ii) cumulatively represent more than 50% of Broward County's total population; and

7.4.2. Notwithstanding Section 7.4.1 above, no amendment that directly or indirectly: (i) creates any additional liability or obligation of any one Party (but not all Parties); (ii) disproportionately removes a right of only one Party; or (c) has a disproportionate, material adverse effect on any Party, will be effective unless it is approved by such Party (or Parties) as evidenced by the adoption of a resolution approving the amendment by that Party's (or Parties') elected body.

7.5. Governing Law, Venue, and Waiver of Jury Trial. This 2025 ILA shall be interpreted and construed in accordance with, and governed by, the laws of the State of Florida. The Parties agree that the exclusive venue for any lawsuit arising from, related to, on in connection with this 2025 ILA shall be in the state courts of the Seventeenth Judicial Circuit in and for Broward County, Florida. **BY ENTERING INTO THIS 2025 ILA, EACH PARTY EXPRESSLY WAIVES ANY AND ALL RIGHTS THAT PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CAUSE OF ACTION OR CLAIM ARISING FROM, RELATED TO, OR IN CONNECTION WITH THIS 2025 ILA.**

7.6. Counterparts. This 2025 ILA may be executed in counterparts, whether signed physically or electronically, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same agreement.

7.7. Further Actions. If an audit conducted in connection herewith or in connection with Chapter 31½, Broward County Code of Ordinances, documents any misspent funds or other violation of this 2025 ILA by one or more Municipalities, the Party in violation shall promptly take all reasonable and required actions to correct the violation. This provision shall survive the expiration or earlier termination of this 2025 ILA.

7.8. Notices. For a notice to a Party to be effective, notice must be sent via U.S. first-class mail, hand delivery, or commercial overnight delivery, each with contemporaneous copy via email, to the addresses listed below and shall be effective upon mailing or hand delivery (provided the contemporaneous email is also sent). The addresses for notices shall remain as set forth in this section unless and until changed by providing notice of such change in accordance with the provisions of this section.

As to County: Broward County Administrator
 115 S. Andrews Avenue, Room 409
 Fort Lauderdale, FL 33301
 Email: mcepero@broward.org

With a copy to: Broward County Attorney
115 S. Andrews Avenue, Room 423
Fort Lauderdale, FL 33301
Email: nklitsberg@broward.org
ameyers@broward.org

As to Municipality: Manager/Administrator
Name, address, and current email provided on signature page

With a copy to: Municipal Attorney
Name, address, and current email provided on signature page

As to BCCMA: BCCMA President
Name, address, and current email provided on signature page

With a copy to: BCCMA Counsel
Name, address, and current email provided on signature page

A Party's notice address may be changed at any time by that Party giving notice of such change consistent with the requirements of this section.

7.9. Entire Agreement. This 2025 ILA constitutes the final and complete understanding of the Parties regarding the subject matter of the items addressed herein, and except as expressly provided for in this 2025 ILA, supersedes the Original ILA, the First Amendment, the Second Amendment, and all prior and contemporaneous negotiations and discussions regarding that subject matter. There is no commitment, agreement, or understanding concerning the subject matter of this 2025 ILA that is not expressly contained herein, except for those contained in Surtax Funding Agreements relating to specific Eligible Municipal Projects (whether associated with Community Shuttle, Municipal R&M Project, Municipal Capital Project, or otherwise). To the extent of any conflict between or among this 2025 ILA, the Original ILA, First Amendment, or Second Amendment, the provisions of this 2025 ILA shall prevail.

7.10. Headings. The section and subsection headings in this 2025 ILA are inserted for convenience only and shall not affect in any way the meaning or interpretation of this 2025 ILA.

7.11. Joint Preparation. The preparation of this 2025 ILA has been a joint effort of the Parties hereto, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against any Party.

7.12. Severability. If any portion of this 2025 ILA is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective and the Parties agree to negotiate in good faith to modify the invalidated portion of this 2025 ILA in a manner designed to effectuate the intent of the Parties.

7.13. Advice of Counsel. Each Party acknowledges and agrees that it has had the opportunity to consult with and be represented by counsel of its choice in connection with the negotiation and preparation of this 2025 ILA.

7.14. Individual Liability. Except for the obligations of Municipalities to defend, indemnify, and/or hold County harmless as provided for in this 2025 ILA or in an individual agreement associated with an Eligible Municipal Project, each Party agrees and commits to fully comply with the obligations of this 2025 ILA for that Party, with each Party only being responsible for its own compliance; a default by any one Party of any obligation under this 2025 ILA shall not constitute a default by any other Party.

7.15. Waiver and Release. Each Party agrees and stipulates that as of the Effective Date, there has been no known breach, by any Party, of any right, obligation, term, or other condition of the Original ILA, the First Amendment, and/or the Second Amendment. To the extent any Party has actual knowledge of any potential claim for a breach or default under the Original ILA, the First Amendment, and/or the Second Amendment that accrued prior to the Effective Date, each Party fully waives and releases such claims against each other Party. Notwithstanding anything in this section to the contrary, this section shall not in any way impact any claims, defenses, or rights that a Party may have pursuant to a Surtax Funding Agreement that was executed prior to the Effective Date and during the effective period of the Original ILA, the First Amendment, or the Second Amendment.

7.16. Measurement of Time; Time of the Essence. All time periods referenced in this 2025 ILA shall be measured in calendar days. Time is of the essence for all Municipality obligations under this 2025 ILA.

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IN WITNESS WHEREOF, the Parties have made and executed this 2025 Amended and Restated Transportation System Surtax Interlocal Agreement (Third Amendment) on the respective dates under each signature: BROWARD COUNTY, through its Board of County Commissioners, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the 10th day of June, 2025 (Agenda Item 65); the BCCMA, signing by and through its authorized officer or official; and each Municipality, signing by and through its authorized officer or official.

COUNTY

ATTEST:

Broward County, by and through
its Board of County Commissioners

By: _____
Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

By: _____
Mayor
____ day of _____, 20__

Approved as to form by
Andrew J. Meyers
Broward County Attorney
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600

By: _____
Nathaniel A. Klitsberg (Date)
Transportation Surtax General Counsel

NAK
Amended and Restated ILA (3rd Amendment) 5-14-25.docx
06/09/2025
#1168734.20

**2025 AMENDED AND RESTATED
TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT (THIRD AMENDMENT)**

CITY/TOWN/VILLAGE OF _____ through its governing body, signing by and through
its _____, authorized to execute the same by action of its governing body on the
_____ day of _____, 2025.

MUNICIPALITY

WITNESS:

Signature of Witness

By: _____
_____, Mayor

Print or Type Name of Witness

_____ day of _____, 2025

Signature of Witness

By: _____
_____, Municipal Manager

Print or Type Name of Witness

_____ day of _____, 2025

ATTEST:

Notices to Municipality: (name/address/email)

Municipal Clerk

Approved as to legal form by:

Municipal Attorney

With a copy to Municipality Counsel:

**2025 AMENDED AND RESTATED
TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT (THIRD AMENDMENT)**

The Broward County City Managers Association, Inc., through its governing body, signing by and through its _____, authorized to execute the same by BCCMA action on the _____ day of _____, 2025.

BCCMA

WITNESS:

Signature of Witness

Print or Type Name of Witness:

Signature of Witness

Print or Type Name of Witness

Approved as to form by:
BCCMA Counsel

Signature

Print Name

By: _____

Signature

Print Name/Title:

__ ____ day of _____, 2025

Notices to BCCMA: (name/address/email)

With a copy to BCCMA Counsel:

EXHIBIT A**Cycle 1 Municipal Capital Projects (MCP) Not Under a Surtax Funding Agreement**

Project ID	FY Approved	Municipality
COOP-036	2020	Cooper City
DEER-003	2020	Deerfield Beach
LLAK-006	2020	Lauderdale Lakes
MARG-002	2020	Margate
MARG-047	2020	Margate
OAKL-007	2020	Oakland Park
PPIN-039	2020	Pembroke Pines
PPRK-010	2020	Pembroke Park
SUNR-075	2020	Sunrise
TAMA-008	2020	Tamarac
WILT-009	2020	Wilton Manors
WPRK-007	2020	West Park

**Cycle 1 Municipal Rehabilitation & Maintenance Projects (R&M)
Not Under a Surtax Funding Agreement**

Project ID	FY Approved	Municipality
DBEACH-FY2020-00001	2020	Dania Beach
FTLAUD-FY2020-00001	2020	Fort Lauderdale
HBEACH-FY2020-00001	2020	Hallandale Beach
LAHILL-FY2020-00001	2020	Lauderhill
LHPOINT-FY2020-00001	2020	Lighthouse Point
LHPOINT-FY2020-00002	2020	Lighthouse Point
LLAKES-FY2020-00001	2020	Lauderdale Lakes
MARG-FY2020-00001	2020	Margate
MARG-FY2020-00002	2020	Margate
MARG-FY2020-00003	2020	Margate
MARG-FY2020-00004	2020	Margate
NRTHLAUD-FY2020-00006	2020	North Lauderdale
NRTHLAUD-FY2020-00008	2020	North Lauderdale
OAKLAND-FY2020-00003	2020	Oakland Park
SUNRISE-FY2020-00003	2020	Sunrise
SUNRISE-FY2020-00006	2020	Sunrise

EXHIBIT B
Fiscal Year 2026 Formula-based Funding Amounts

Municipal Centerline Mileage (Data as of September 30, 2023)				Formula Allocation by Municipality FY2026	
Municipality	Municipal Roads			Amount: \$30,000,000	
	Paved	Unpaved	Total Miles	Percentage of Centerline Miles ⁽¹⁾	Surtax Allocation ⁽²⁾
Coconut Creek	48.000	0.000	48.000	1.14%	\$343,110
Cooper City	75.040	0.000	75.040	1.79%	\$536,396
Coral Springs	226.100	0.000	226.100	5.39%	\$1,616,193
Dania Beach	93.265	0.000	93.265	2.22%	\$666,671
Davie	310.210	5.500	315.710	7.52%	\$2,256,738
Deerfield Beach	146.600	0.000	146.600	3.49%	\$1,047,917
Ft. Lauderdale	509.500	27.900	537.400	12.80%	\$3,841,408
Hallandale Beach	68.193	0.000	68.193	1.62%	\$487,453
Hillsboro Beach ⁽³⁾	0.500	0.000	0.500	0.01%	\$3,574
Hollywood	365.370	61.100	426.470	10.16%	\$3,048,465
Lauderdale-By-The-Sea	16.680	0.000	16.680	0.40%	\$119,231
Lauderdale Lakes	44.000	0.000	44.000	1.05%	\$314,518
Lauderhill	106.500	0.000	106.500	2.54%	\$761,276
Lazy Lake Village	2.000	0.000	2.000	0.05%	\$14,296
Lighthouse Point	45.500	0.000	45.500	1.08%	\$325,240
Margate	101.090	0.000	101.090	2.41%	\$722,605
Miramar	166.380	0.000	166.380	3.96%	\$1,189,307
North Lauderdale	54.000	0.000	54.000	1.29%	\$385,999
Oakland Park	115.000	0.000	115.000	2.74%	\$822,036
Parkland	29.200	0.000	29.200	0.70%	\$208,726
Pembroke Park	9.900	0.000	9.900	0.24%	\$70,767
Pembroke Pines	469.850	0.000	469.850	11.20%	\$3,358,551
Plantation	219.800	0.000	219.800	5.24%	\$1,571,160
Pompano Beach	279.208	0.000	279.208	6.65%	\$1,995,816
Sea Ranch Lakes	2.040	0.000	2.040	0.05%	\$14,582
Southwest Ranches	67.600	0.300	67.900	1.62%	\$485,358
Sunrise	186.020	8.400	194.420	4.63%	\$1,389,740
Tamarac	136.860	0.000	136.860	3.26%	\$978,294
West Park	51.550	0.000	51.550	1.23%	\$368,486
Weston	100.743	0.000	100.743	2.40%	\$720,125
Wilton Manors	47.000	0.000	47.000	1.12%	\$335,962
TOTALS	4,093.699	103.200	4,196.899	100%	\$30,000,000

Source: 2023 City County Mileage, FDOT City/County Road Mileage Report, Retrieved from https://ftp.fdot.gov/public/folder/nNfLAvm106mshfAabOmyQ/City_and_County_Roads [BCCMA Surtax Subcommittee]

Notes:

- (1) **Percentage of Centerline Miles** is calculated using the Total of Paved + Unpaved Municipal-owned Roads
- (2) **Surtax Allocation** is obtained by applying the **Percentage of Centerline Miles** by Municipality to \$30,000,000
- (3) Hillsboro Beach reports both .5 public miles, and 0; allocation calculated with 0.5 miles

EXHIBIT C
List of Municipal Capital Project Tails

Surtax Municipal Capital Project Information for Projects with Unfunded Tails ⁽¹⁾								
Project Information				Project Phase & Future Programming Information			Unfunded Phase(s) & Future Funding Information	
	Municipality	Project ID	Project Name	Funded Phase	Fiscal Year Programmed	Amount Programmed	Unfunded Phase	Estimated Cost (2)
1	Wilton Manors	WILT-22-001	Five Points Redesign Project Construction Phase	Design	2026	\$ 500,000.00	Construction	\$ 4,725,000
2	Miramar	MIRA-017	Bass Creek Road Expansion from SW 148th Avenue to FL Turnpike	Design	2027	\$ 506,520.00	Construction	\$ 4,280,128
3	Oakland Park	OAKL-22-020	NE 6th Avenue Improvements	Planning	2028	\$ 552,779.00	Design & Construction	\$ 12,823,731
4	Oakland Park	OAKL-22-003	NW 39th Street Improvements	Planning	2028	\$ 235,414.00	Design & Construction	\$ 3,554,459
5	Fort Lauderdale	FORT-22-001	SW 14 Avenue and Middle Street capacity increase and added parking lane	Design	2028	\$ 223,320.00	Construction	\$ 7,882,936
6	West Park	WPRK-001	County Line Road from SW 56th Avenue to South State Road 7 Improvement	Design	2027	\$ 115,400.00	Construction	\$ 1,350,729
7	Weston	WEST-312	South Post Road Roadway Improvements	Design	2027	\$ 1,181,617.00	Construction	\$ 10,851,452
8	Miramar	MIRA-013	SW 184th Avenue Expansion from Miramar Parkway to Pembroke Road	Design	2028	\$ 1,527,120.00	Construction	\$ 25,106,984

Notes:

- (1) Projects #1-5 were recommended by the MPO for construction funding in new fifth year of Municipal Five-Year Plan (FY2030), totaling \$33,266,254.
- (2) Estimated cost utilized for unfunded phases is based on the data and report created by the MPO, titled "Ranking and Recommendations Cycle 6 Results," submitted to the County on April 15, 2025.

EXHIBIT D
Municipal Five-Year Plans for Fiscal Years 2020 - 2029

TYPE	CYCLE	MUNICIPALITY	PROJECT ID	FY 2020	PH	FY 2021	PH	FY 2022	PH	FY 2023	PH	FY 2024	PH	FY 2025	PH	FY 2026	PH	FY 2027	PH	FY 2028	PH	FY 2029	PH	Total
RBM	1	Lauderhill	BC-LAHL-FY2020-00001	\$ 15,500	C																			\$ 15,500
RBM	1	Plantation	BC-PLANT-FY2020-00002	\$ 2,749,823	C																			\$ 2,749,823
RBM	1	Fort Lauderdale	BC-FLAUD-FY2020-00002	\$ 2,553,217	C																			\$ 2,553,217
RBM	1	Hollywood	BC-HLYWD-FY2020-00003	\$ 1,666,863	C																			\$ 1,666,863
RBM	1	Fort Lauderdale	BC-FLAUD-FY2020-00004	\$ 1,617,300	C																			\$ 1,617,300
RBM	1	Hollywood	BC-HLYWD-FY2020-00001	\$ 2,967,457	C																			\$ 2,967,457
RBM	1	Tamarac	BC-TAM-FY2020-00001	\$ 2,817,339	C																			\$ 2,817,339
RBM	1	Coconut Creek	BC-CREEK-FY2020-00001	\$ 3,000,000	C																			\$ 3,000,000
RBM	1	Deerfield Beach	BC-DBEACH-FY2020-00001	\$ 791,219	C																			\$ 791,219
RBM	1	Southwest Ranches	BC-SWRANCHES-FY2020-00001	\$ 1,223,165	C																			\$ 1,223,165
RBM	1	Lighthouse Point	BC-LHPOINT-FY2020-00001	\$ 913,588	C																			\$ 913,588
RBM	1	Oakland Park	BC-OAKLAND-FY2020-00001	\$ 2,981,440	C																			\$ 2,981,440
RBM	1	Miramar	BC-MIRAM-FY2020-00003	\$ 2,234,426	C																			\$ 2,234,426
RBM	1	Southwest Ranches	BC-SWRANCHES-FY2020-00001	\$ 737,005	C																			\$ 737,005
RBM	1	Hollywood	BC-HLYWD-FY2020-00003	\$ 1,038,006	C																			\$ 1,038,006
RBM	1	Hallandale Beach	BC-HBEACH-FY2020-00001	\$ 2,971,710	C																			\$ 2,971,710
RBM	1	Oakland Park	BC-OAKLAND-FY2020-00002	\$ 2,072,800	C																			\$ 2,072,800
RBM	1	Miramar	BC-MIRAM-FY2020-00002	\$ 1,854,177	C																			\$ 1,854,177
RBM	1	Weston	BC-WESTON-FY2020-00004	\$ 72,765	C																			\$ 72,765
RBM	1	Cooper City	BC-COOPERC-FY2020-00001	\$ 1,036,960	C																			\$ 1,036,960
RBM	1	Dania Beach	BC-DBEACH-FY2020-00001	\$ 297,905	C																			\$ 297,905
RBM	1	Miramar	BC-MIRAM-FY2020-00001	\$ 1,995,001	C																			\$ 1,995,001
RBM	1	Coral Springs	BC-SPRINGS-FY2020-00001	\$ 399,406	C																			\$ 399,406
RBM	1	North Lauderdale	BC-NRTHLAUD-FY2020-00008	\$ 1,440,093	C																			\$ 1,440,093
RBM	1	Margate	BC-MARG-FY2020-00002	\$ 293,350	C																			\$ 293,350
RBM	1	Weston	BC-WESTON-FY2020-00001	\$ 596,268	C																			\$ 596,268
RBM	1	Fort Lauderdale	BC-FLAUD-FY2020-00001	\$ 1,252,300	C																			\$ 1,252,300
RBM	1	Margate	BC-MARG-FY2020-00001	\$ 176,064	C																			\$ 176,064
RBM	1	Lighthouse Point	BC-LHPOINT-FY2020-00002	\$ 1,051,247	C																			\$ 1,051,247
RBM	1	North Lauderdale	BC-NRTHLAUD-FY2020-00006	\$ 2,914,575	C																			\$ 2,914,575
RBM	1	Sunrise	BC-SUNRISE-FY2020-00003	\$ 852,796	C																			\$ 852,796
RBM	1	Pembroke Pines	BC-PBRKPINES-FY2020-00001	\$ 483,380	C																			\$ 483,380
RBM	1	Weston	BC-WESTON-FY2020-00002	\$ 191,834	C																			\$ 191,834
RBM	1	Fort Lauderdale	BC-FLAUD-FY2020-00003	\$ 522,757	C																			\$ 522,757
RBM	1	Margate	BC-MARG-FY2020-00003	\$ 1,053,184	C																			\$ 1,053,184
RBM	1	Wilton Manors	BC-WMANORS-FY2020-00001	\$ 1,334,667	C																			\$ 1,334,667
RBM	1	Wilton Manors	BC-WMANORS-FY2020-00003	\$ 1,425,600	C																			\$ 1,425,600
RBM	1	Wilton Manors	BC-WMANORS-FY2020-00002	\$ 1,651,467	C																			\$ 1,651,467
RBM	1	Sunrise	BC-SUNRISE-FY2020-00006	\$ 1,853,260	C																			\$ 1,853,260
RBM	1	Lauderdale Lakes	BC-LLAKES-FY2020-00001	\$ 400,000	C																			\$ 400,000
MCP	1	Wilton Manors	WILT-006	\$ 247,711	C																			

Page 2 of 2																								
Type	Cycle	Municipality	Project ID	FY 2020	PH	FY 2021	PH	FY 2022	PH	FY 2023	PH	FY 2024	PH	FY 2025	PH	FY 2026	PH	FY 2027	PH	FY 2028	PH	FY 2029	PH	Total
MCP	1	Lighthouse Point	LHP-010	\$ 67,500	P							\$ 270,000	D	\$ 1,912,500	C									\$ 2,250,000
MCP	1	North Lauderdale	NLAU-007.2	\$ 360,218	D			\$ 4,639,782	C															\$ 5,000,000
MCP	1	Margate	MARG-002	\$ 20,880	D					\$ 153,120	C													\$ 174,000
MCP	1	Fort Lauderdale	FORT-104	\$ 360,000	D			\$ 2,640,000	C															\$ 3,000,000
MCP	1	Oakland Park	OAKL-007	\$ 150,000	P																			\$ 150,000
MCP	1	Coral Springs	CORA-008	\$ 600,000	P									\$ 250,000	D	\$ 9,450,000	C	\$ 9,700,000	C					\$ 20,000,000
MCP	1	Hollywood	HOLI-038	\$ 150,000	P							\$ 600,000	D	\$ 4,250,000	C									\$ 5,000,000
MCP	1	Miramar	MIRA-020	\$ 144,000	D					\$ 1,056,000	C													\$ 1,200,000
MCP	1	Lauderdale Lakes	LLAK-016	\$ 15,000	P					\$ 60,000	D					\$ 425,000	C							\$ 500,000
MCP	1	Sunrise	SUNR-075	\$ 1,110,000	D					\$ 2,860,000	C					\$ 5,280,000	C							\$ 9,250,000
MCP	1	Davie	DAVI-012	\$ 240,000	D							\$ 1,760,000	C											\$ 2,000,000
MCP	1	Wilton Manors	WILT-003	\$ 240,000	D					\$ 1,760,000	C													\$ 2,000,000
MCP	1	West Park	WPRK-003	\$ 420,000	D							\$ 3,080,000	C											\$ 3,500,000
MCP	1	Weston	WEST-192	\$ 369,600	D							\$ 3,091,549	C											\$ 3,461,149
MCP	1	Deerfield Beach	DEER-005	\$ 300,000	D					\$ 2,200,000	C													\$ 2,500,000
MCP	1	North Lauderdale	NLAU-008	\$ 360,000	D			\$ 2,640,000	C															\$ 3,000,000
MCP	1	Cooper City	COOP-024	\$ 480,000	D							\$ 2,112,000	C	\$ 1,408,000	C									\$ 4,000,000
MCP	1	Parkland	PARK-002	\$ 312,000	D			\$ 2,288,000	C															\$ 2,600,000
MCP	1	Margate	MARG-047	\$ 120,000	D									\$ 880,000	C									\$ 1,000,000
MCP	1	Southwest Ranches	SWRA-022	\$ 5,360	D			\$ 37,840	C															\$ 43,000
MCP	1	Tamarac	TAMA-001	\$ 120,000	P																			\$ 120,000
MCP	1	Dania Beach	DANI-017	\$ 865,440	D			\$ 6,346,560	C															\$ 7,212,000
MCP	1	Coral Springs	CORA-102	\$ 45,000	D									\$ 330,000	C									\$ 375,000
MCP	1	Miramar/Pembroke Pines	MIRA-025	\$ 252,000	D							\$ 1,848,000	C											\$ 2,100,000
MCP	1	Lauderdale Lakes	LLAK-018	\$ 120,000	D											\$ 880,000	C							\$ 1,000,000
MCP	1	Hallandale Beach	HALL-019	\$ 180,000	D											\$ 1,320,000	C							\$ 1,500,000
MCP	1	Davie	DAVI-014	\$ 336,000	D											\$ 2,464,000	C							\$ 2,800,000
MCP	1	Coconut Creek	COCO-016	\$ 330,600	D									\$ 2,424,400	C									\$ 2,755,000
MCP	1	West Park	WPRK-008	\$ 240,000	D							\$ 1,760,000	C											\$ 2,000,000
MCP	1	Pompano Beach	POMP-013	\$ 711,452	D							\$ 5,217,316	C											\$ 5,928,768
MCP	1	Parkland	PARK-007	\$ 72,000	D											\$ 528,000	C							\$ 600,000
MCP	1	Margate	MARG-033	\$ 24,000	D											\$ 176,000	C							\$ 200,000
MCP	1	Hollywood	HOLI-056	\$ 300,000	D							\$ 733,333	C											\$ 833,333
MCP	3	Miramar	MIRA-017															\$ 506,520	D					\$ 506,520
MCP	3	West Park	WPRK-001															\$ 115,400	D					\$ 115,400
MCP	3,4	Davie	DAVI-019															\$ 370,416	D	\$ 5,871,572	C			\$ 6,241,988
MCP	3	Weston	WEST-312															\$ 1,181,617	D					\$ 1,181,617
MCP	3,4	Davie	DAVI-002															\$ 367,726	D	\$ 5,619,520	C			\$ 5,987,246
MCP	3	Oakland Park	OAKL-22-004															\$ 471,137	C					\$ 471,137
MCP	3,4	Davie	DAVI-011															\$ 331,979	D	\$ 5,796,163	C			\$ 6,128,142
MCP	3	Lauderhill	LHL-518															\$ 511,563	D	\$ 10,363,448	C			\$ 10,875,011
R&M	1	Oakland Park	OAKL-2020-003							\$ 510,510	C													\$ 510,510
R&M	1	Coral Springs	CORA-2020-002											\$ 1,712,582	C									\$ 1,712,582
R&M	1	Hallandale Beach	HALL-2020-002							\$ 162,979	C													\$ 162,979
R&M	1	North Lauderdale	NLAU-2020-002															\$ 1,646,365	C					\$ 1,646,365
R&M	1	Lauderdale Lakes	LLAK-2020-002															\$ 2,000,000	C					\$ 2,000,000
R&M	1	Margate	MARG-2020-004							\$ 123,599	C													\$ 123,599
MCP	4,5	Coconut Creek	COCO-23-007																					\$ 123,599
MCP	4,5	Fort Lauderdale	FORT-23-001																	\$ 1,623,055	D	\$ 14,745,559	C	\$ 16,368,614
MCP	4	Coconut Creek	COCO-23-001																	\$ 500,000	D	\$ 9,677,609	C	\$ 10,177,609
MCP	4	Oakland Park	OAKL-22-020																	\$ 6,371,882	C			\$ 6,371,882
MCP	4	Oakland Park	OAKL-22-020																	\$ 552,779	P			\$ 552,779
MCP	4	Wilton Manors	WILT-22-001													\$ 500,000	D							\$ 500,000
MCP	4	Oakland Park	OAKL-22-003																	\$ 235,414	P			\$ 235,414
MCP	4	Fort Lauderdale	FORT-22-001																	\$ 223,320	D			\$ 223,320
MCP	4	Miramar	MIRA-053																	\$ 1,527,120	D			\$ 1,527,120

MCP = Municipal Capital Project; R&M = Rehabilitation & Maintenance Project
PH = Phases: P - Planning, D - Design, R - Right of Way, C - Construction
NOTE: MCPs or R&Ms that have been combined with other awarded municipal projects are referred to as "bundles"; only one Project ID associated with a bundle is shown. MCPs or R&Ms that have been withdrawn or removed from the municipal surtax program are not shown.



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Ken Rubach, Interim Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-48: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO TEMPORARILY ADJUST THE PARKING FEES AND METER RATES TO SUPPORT ECONOMIC AND SEASONAL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation: Currently, any modification to the Town's parking rate structure requires the adoption of a resolution by the Town Commission. While this process ensures oversight, it also creates delays and limits the Town's ability to act quickly in response to economic or seasonal changes. Local businesses have expressed interest in seeing more dynamic parking rate policies that can incentivize customers during slower periods.

The Town Manager is seeking the authority to adjust parking rates downward only, within certain parameters established by the Commission, without requiring a separate resolution for each adjustment. These adjustments would be made to:

- Respond to low-season traffic and economic conditions
- Promote increased visitation and customer turnover in commercial areas
- Support special events or town-wide business promotions
- Pilot demand-based pricing models during off-peak hours or days

Any downward rate changes made by the Town Manager would be reported back to the Commission in a timely manner, including details of the change, its duration, and rationale. The Town Manager is recommending the following authority:

- The ability to lower hourly, daily, and special event rates for a period of up to 120 days.

Any duration exceeding this period would require Commission authorization.

- The ability to lower the rate up to 50% of the rate established by the latest resolution.

Recommendation: Approve Resolution 2025-48

Exhibits:

1. RESO 2025-48 Meter Rates
2. ExA- Parking Meter Rate- 10-25

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WHEREAS, Sections 19-26 and 19-28 of the Town Code provide that the parking

WHEREAS, on August 11, 2015, the Town Commission adopted Resolution No. 2015-30, approving a schedule of parking fees and meter rates, based on the recommendations of Desman & Associates, as provided in their parking study final report; and

WHEREAS, on September 28, 2021, the Town Commission adopted Resolution No. 2021-56, approving an amended schedule of parking fees and meter rates effective January 1, 2022; and

WHEREAS, on January 24, 2023, the Town Commission adopted Resolution No. 2023-04, approving an amended schedule of parking fees and meter rates effective March 1, 2023; and

WHEREAS, on June 11, 2024, the Town Commission adopted Resolution No. 2024-22, approving an amended schedule of parking fees and meter rates effective June 17, 2024; and

WHEREAS, on July 23, 2024, the Town Commission adopted Resolution No. 2024-27, approving an amended schedule of parking fees and meter rates effective August 15, 2024; and

31 **WHEREAS**, on September 10, 2025, the Town Commission adopted Resolution
32 No. 2025-36, approving an amended schedule of parking fees and meter rates effective
33 September 15, 2025; and

34 **WHEREAS**, staff recently completed a review of the Town’s parking policies and
35 rate structure to identify opportunities for improved flexibility and responsiveness; and

36 **WHEREAS**, as part of this review, staff recommended establishing a process that
37 allows for temporary adjustments to parking rates to better respond to special events,
38 seasonal trends, or periods of reduced activity; and

39 **WHEREAS**, the proposed process authorizes the Town Manager or designee to
40 reduce hourly, daily, or special event parking rates by up to fifty percent (50%) of the rate
41 established by the most recent Town Commission resolution, for a period not to exceed
42 one hundred and twenty days (120) days, as outlined in Exhibit “A” (the “Amended Permit
43 Schedule”); and

44 **WHEREAS**, any temporary adjustment implemented by the Town Manager shall
45 be documented in writing and reported to the Town Commission, including the affected
46 rate, duration, and rationale for the adjustment; and

47 **WHEREAS**, the Town Commission finds the adoption of the Amended Fee
48 Schedule is in the best interest of the Town.

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

52
53 **SECTION 1. Recitals.** Each “WHEREAS” clause set forth above is true and
54 correct and incorporated herein by this reference.

55 **SECTION 2. Fees.** The Amended Fee Schedule, attached as Exhibit “A,” is
56 hereby approved. The Amended Fee Schedule shall become effective October 14, 2025.

SECTION 3. Conflict. All resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

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

PASSED AND ADOPTED this ____ day of October 2025.

Mayor Edmund Malkoon

Attest:

Courtney Easley, Acting Town Clerk
(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

Town of Lauderdale-By-The-Sea
Parking Rates Effective October 14, 2025

Line No.	Permit (1)	September 15, 2025	
		Annual	Monthly
1	A1A Parking Lot Government Permit (2)	N/A	N/A
2	A1A Parking Lot Permit (11)		\$105
3	Bougainvilla (south) Overnight Parking Permit (2)		\$85
4	Employee Permit		\$32
5	Event Pre-Paid Permit (4)		
6	Hardship Permit	\$324	
7	Hardship Visitor Permit (24 hours)	\$38.00 per permit	
8	Reserved Parking Space Permit (5)		
9	Resident Permit (6) (CORRECTED)	\$65.00	
10	Residential Permit - senior (6)	\$55.00	
11	Government Official Permit (2)	\$0.00	
12	Valet Parking Permit (8)		
	Application Fee	\$100	
	Permit Renewal	\$100	
	Permit Revision	\$50	
13	Visitor Center Overnight Parking Permit (10)		\$105
Meter Rates (1)(12)		October 14, 2025	
		Hourly	Daily
14	Beach District	\$4.00	
15	Bougainvilla Drive	\$4.00	
16	Poinciana Blvd.	\$4.00	
17	Commercial Blvd Business District	\$1.75	
18	West Tradewinds Ave.	\$1.75	
19	Friedt Park	\$4.00	
20	A1A Lot	\$4.00	
21	South Ocean (4312) Lot	\$4.00	
22	El Mar Lot	\$4.00	
23	El Prado Lot	\$4.00	
24	Town Hall Lot (weekend and event parking)(7)	\$4.00	
25	Special Events		\$21.00
Policy & Procedures			
(1)	Sales Tax: Sales Tax on permits shall be in addition to the permit fee. In off-street parking areas that use Pay Stations, the sales tax shall be in addition to the hourly meter rate. For single space meters, the sales tax shall be included in the hourly fee charged.		
(2)	Government Permits: Town Manager is authorized to provide parking permits to governmental agencies without charge for the use of the A1A Parking Lot for periods not to exceed 24 hours and annual permits for the district County Commissioner, and Federal and State Representatives, and Senators.		
(3)	Bougainvilla Permit: This permit is available to those residing in Town and allows overnight parking in the 22 parking spaces on South Bougainvilla with locations, days, and hours to be determined by the Town Manager based on availability, location and lot usage.		
(4)	Pre-Paid Permit: This permit may be approved by the Town Manager for activities such as special events, private events and similar activities. If approved, a pre-paid parking permit shall be specific to the location, time and date. The applicant shall pay the meter rate for the hours the meter is reserved when the meter would otherwise be used by the public.		
(5)	Temporary Business Permit: This permit may be approved by the Town Manager upon a showing that the reservation of a specific parking space(s) for a short period of time would reduce the inconvenience to the public and decrease the time necessary for a business to conduct a business activity. The applicant shall pay the meter rate for the hours the meter is reserved when the meter would otherwise be used by the public.		
(6)	Resident and Senior Permit Discounts: Effective July 1st of each year, Resident Permits and Senior Resident Permits shall be discounted 40%.		
(7)	Waiver of Parking Requirements: Town Manager is authorized to waive parking requirements for Town events or civic organizations meeting at Town Hall or Jarvis Hall or to waive parking requirements or authorize parking on El Mar for people attending Town sponsored events.		
(8)	Valet Parking Operations: Valet parking operations may be approved through the special event application process and no Valet Parking Permit Application is required.		
(9)	Special Events: A flat rate may be instituted for special events with approval of the Town Manager for specific lots, meters, or other designated parking areas as deemed necessary for the event.		
(10)	Visitor Center Permit: This permit is available to those residing in Town and allows overnight parking in the 8 parking spaces within the Visitor Center Lot with locations, days, and hours to be determined by the Town Manager based on availability, location and lot usage.		
(11)	A1A Permit: This permit is available to those residing in Town and those employed within Town with locations, days, and hours to be determined by the Town Manager based on availability, location and lot usage.		
(12)	Temporary Parking Rate Adjustment: The Town Manager or designee is authorized to temporarily reduce hourly, daily, and special event parking rates by up to 50% for a period not to exceed 120 days. The timing, locations, and applicable rates shall be determined by the Town Manager or designee based on demand, events, and seasonal conditions.		



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Ken Rubach, Interim Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-49: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH POMPANO BEACH TO REALLOCATE 2023 CHAPTER 175 MONIES FROM POMPANO BEACH TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Explanation: In 1985, the Town established the Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan (the "Pension Plan") for its Volunteer Fire Department. Similar to other firefighter pension plans, the Town's Pension Plan annually received a portion of excise taxes on property insurance premiums from the State in accordance with Chapter 175, Florida Statutes. Pursuant to Ordinance 2024-003, the Town initiated the termination of the Pension Plan due to the transfer of fire services to the City of Pompano Beach. Accordingly, the State reallocated the 2023 Chapter 175 tax revenues to Pompano Beach instead of to the Town. However, in 2023, the Town provided fire services for 11 of the 12 months comprising the eligible period, and the Town was therefore under the assumption that it would receive 11/12ths of the tax revenues. The Town and Pompano Beach agreed to resolve the matter involving the allocation of 2023 tax revenues. Specifically, Pompano Beach agreed to transfer 11/12ths of the 2023 tax revenues to the Town, which total \$130,598.21. On or around September 2, 2025, Pompano Beach formally approved the transfer of tax revenues to the Town via the execution of the attached Settlement Agreement (**Exhibit 1**).

Resolution 2025-49 permits the Town Manager to execute the Settlement Agreement, thereby approving its terms and effectuating the transfer of the 2023 tax revenues from Pompano Beach to the Town. The Town will thereafter distribute the monies to the Pension Plan members before liquidation and Pension Plan closure.

Recommendation: Adopt Resolution 2025-49, which approves the Settlement Agreement regarding the 2023 tax revenues, allowing for the transfer of \$130,598.21 from Pompano Beach to the Town and the distribution of said monies to the eligible members of the Pension Plan.

Exhibits:

1. RESO 2025-49 175 Settlement
2. EX1-175 Settlement

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A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH POMPANO BEACH TO REALLOCATE 2023 CHAPTER 175 MONIES FROM POMPANO BEACH TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) entered into an Interlocal Agreement with the City of Pompano Beach (the “City”) for the provision of fire rescue services; and

WHEREAS, due to the transfer of services, the Town dissolved its Volunteer Fire Department and initiated the termination of The Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan (the “Pension Plan”); and

WHEREAS, Chapter 175, Florida Statutes, authorizes the receipt of premium tax revenues (hereinafter “Chapter 175 Monies”) from the State to eligible firefighter pension plans; and

WHEREAS, the State reallocated the entirety of the Town’s 2023 Chapter 175 Monies to the City even though Town provided fire services for 11 of the 12 months in 2023; and

WHEREAS, in recognition of the Town's provision of fire services for 11 of the 12 months in 2023, the City has agreed to transfer 11/12ths of the 2023 Chapter 175 Monies to the Town, which totals \$130,598.21; and

WHEREAS, upon receipt of the \$130,598.21, the Town will distribute the 2023 Chapter 175 Monies to the former members of its Pension Plan before the completion of its dissolution; and

1 **WHEREAS**, the Town and City has memorialized this transfer of 2023 Chapter 175
2 Monies via a Settlement Agreement attached hereto as Exhibit “A; and

3 **WHEREAS**, the City’s legislative body has approved the Settlement Agreement on or
4 around September 2, 2025, and is awaiting the Town’s approval; and

5 **WHEREAS**, the Town Commission desires to enter the Settlement Agreement, which
6 narrowly relates to the resolution of claims concerning the 2023 Chapter 175 Monies.

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

9
10 **SECTION 1. Recitals.** The foregoing "WHEREAS" clauses are true and correct, and are
11 hereby ratified and confirmed by the Town Commission and incorporated herein.

12 **SECTION 2. Approval of Settlement Agreement.** The Settlement Agreement between
13 the City and the Town attached hereto as Exhibit “A” is hereby approved and shall be effective as
14 of October 14, 2025.

15 **SECTION 3. Conflicts.** All other Resolutions or parts of Resolutions in conflict herewith,
16 be and the same are repealed to the extent of such conflict.

17 **SECTION 4. Severability.** If any clause, section or other part of this resolution shall be
18 held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
19 or invalid part shall be considered as eliminated and in no way affecting the validity of the other
20 provisions of this Resolution.

21 **SECTION 5. Effective Date.** This Resolution is effective immediately upon passage and
22 adoption.

23 **PASSED AND ADOPTED** by the Town Commission of the Town of Lauderdale-By-The-
24 Sea, Florida, this 14th day of October, 2025.

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Attest:

Mayor Edmund Malkoon

Acting Town Clerk Courtney Easley

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



FINANCE DEPARTMENT
MEMO 25-041

Date: August 25, 2025

TO: Rex Hardin, Mayor
Greg Harrison, City Manager

FROM: Allison Feurtado, Finance Director *AF*

SUBJECT: Settlement Payment to Lauderdale-By-The-Sea for Chapter 175 Funds

Background

In 2023, the City of Pompano Beach (“City”) entered into an Interlocal Agreement with the Town of Lauderdale-By-The-Sea (“Town”) via Ordinance No. 2023-60 for the provision of fire rescue and emergency medical services. This agreement became effective on September 1, 2023, resulting in the transfer of responsibility for fire services from the Town’s Volunteer Fire Department to the City’s Fire Department. Following this transfer, the Town disbanded its Volunteer Fire Department and terminated its Firefighters’ Pension Plan.

Chapter 175 Funds

Chapter 175 of the Florida Statutes is the section of state law that governs Firefighters’ Pension Trust Funds in municipalities and special fire control districts and provides for the allocation of excise taxes on property insurance premiums to municipal firefighters’ pension plans. These funds are collected during a given calendar year but reimbursed to municipalities in the subsequent year. Therefore, the funds attributable to calendar year 2023 were distributed by the State of Florida in 2024. Paragraph 10.3.1.2 Chapter 175 Revenue of the Ordinance No. 2023-60 indicates that the City will collect and retain all Chapter 175 premium tax revenue that would have otherwise been allotted to the Town.

Settlement Agreement

The City began providing fire services for the Town effective September 1, 2023. The State reallocated the Town’s 2023 Chapter 175 funds to the City’s Police and Fire Pension Fund in 2024. In recognition that the Town maintained its own Fire Department for the first eleven (11) months of the fiscal year 2023 from October 1, 2022 till August 30, 2023, the City entered into a Settlement

Agreement with the Town and the Town's Firefighters' Pension Plan to reimburse the Town for the 11 months of the total 2023 distribution.

The Parties agreed that 11/12ths of the 2023 Chapter 175 allocation would be returned to the Town's Firefighters' Pension Plan, totaling \$130,598.21. The City must transfer this settlement amount upon signing the agreement to ensure compliance with the pension obligations owed to former members of the Town's disbanded Volunteer Fire Department.

Conclusion

This settlement resolves all remaining claims related to the 2023 Chapter 175 allocation and ensures that the funds are correctly allocated according to state law and the fire service timeline. The City has no further liabilities beyond the transferred amount of \$130,598.21.

SETTLEMENT AGREEMENT

The Board of Trustees of the Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan ("Plan"), the Town of Lauderdale-By-The-Sea ("Town"), and the City of Pompano Beach ("City") (collectively, "the Parties") desire to resolve a pending issue between the parties regarding the 2023 allocation of the Chapter 175 money (State excise taxes on property insurance premiums) and hereby enter into an agreement regarding the allocation and agree as follows:

1. In 2023, the Town and the City entered into an interlocal agreement transferring the responsibility for the Town's fire services to the City's Fire Department. This agreement was effective September 1, 2023.
2. From October 1, 2022 to August 30, 2023, the Town's Volunteer Fire Department provided fire services for the Town.
3. As a result of the Town's transfer of fire services to the City's Fire Department, the Town's Volunteer Fire Department was disbanded and there were no active members in the Plan. The Town terminated the Plan.
4. When the State allocated the Chapter 175 money in 2024, for the 2023 distribution, the full amount of the Chapter 175 money for the Town/Plan was reallocated to the City for their Police and Fire Pension Fund.
5. The Parties agree that 11/12^{ths} of the Chapter 175 money that was reallocated from the Town/Plan to the City should be allocated to the Town/Plan in the amount of \$130,598.21. Attached as Exhibit A is a spreadsheet with the calculations used to determine the amount.

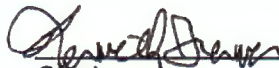
SETTLEMENT AGREEMENT

Board of Trustees of the Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan, the Town of Lauderdale-By-The-Sea, and the City of Pompano Beach

6. The Parties agree that the calculation is correct and they have had time to review and consider the calculations.
7. Upon the signing of this document, the City will transfer \$130,598.21 to the Plan.
8. The Town agrees with the Plan that the entire \$130,598.21 will be distributed to the members in accordance with the process described in Section 2-143.1 of the Plan notwithstanding the allocation language in Section 2-143.1(b).
9. All parties will bear their own legal expenses and costs of any and all proceedings in this matter.
10. The Parties release and forever discharge one another of and from all manner of cause and causes of action, claims and demands whatsoever, in law or in equity, which are now resolved, pending, or may arise in the future related to the allocation of the Chapter 175 money for 2023.

AGREED at Lauderdale-By-The-Sea, Florida this _____ day of August, 2025.

Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan


Chairperson


Secretary

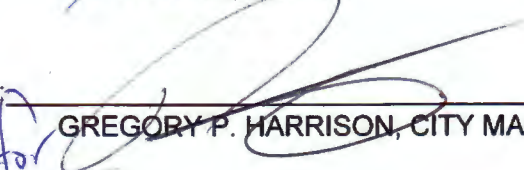
SETTLEMENT AGREEMENT

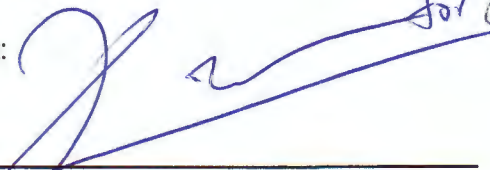
Board of Trustees of the Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan, the Town of Lauderdale-By-The-Sea, and the City of Pompano Beach

"CITY":

CITY OF POMPANO BEACH

By: 
REX HARDIN, MAYOR

By: 
GREGORY P. HARRISON, CITY MANAGER

Attest: 
KERVIN ALFRED, CITY CLERK

Dated: September 2, 2025

(SEAL)



APPROVED AS TO FORM:


MARK E. BERMAN, CITY ATTORNEY

SETTLEMENT AGREEMENT

Board of Trustees of the Town of Lauderdale-By-The-Sea Volunteer Firefighters' Pension Plan, the Town of Lauderdale-By-The-Sea, and the City of Pompano Beach

"TOWN"

TOWN OF LAUDERDALE-BY-THE-SEA

By: _____
Ken Rubach, Interim Town Manager

Attest: _____
Courtney Easley, Town Clerk

Approved as to Form and Legal Sufficiency:

Town Attorney Susan L. Trevarthen



Town Commission Agenda Item Report

Meeting Date: October 14, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Quasi Judicial Public Hearings

Agenda Section: QUASI JUDICIAL PUBLIC HEARINGS

Subject Title: Request 1: Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits –Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).

Request 2: Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, “Variances,” the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.

Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments To The Code – Procedures And Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

Explanation:

The applicant, Dylan Tannenbaum (**Exhibit 1**), seeks approval to replace the existing two-story Courtyard Hotel at 4312 El Mar Drive (Lot 4) with a new, three-story 22-unit hotel without kitchens, and to operate the project in tandem with the adjacent hotel at 4308 El Mar Drive (Lot 3). The two parcels (northern and southern) will be combined under a unity of title to function as a single hotel campus with shared access, parking, and amenities on a 0.445-acre site. The request is consistent with the RM-25 zoning and the Medium High (25 u/ac) future

land use designation, which permits up to 50 hotel rooms per acre without kitchens.



Image 1- Proposed Project

The redevelopment aligns with the Town's RM-25 zoning district regulations while improving site design, landscaping, and circulation. Lot 3 presently contains nine rooms (approved for eleven) and Lot 4 contains ten; the plan legally redistributes density across the unified site to reach the maximum 22 units without exceeding code allowances. Architecturally, the new building complies with Section 30-241 height standards at 33 feet to roof, with parapets at 37 feet as permitted by the Town Charter, and an elevator shaft at 41 feet, which is excluded from height calculations. The Town Architect reviewed and approved the original design. Subsequently, the applicant agreed to the removal of north-facing balconies in response to public feedback at the citizen participation meeting (**Exhibit 2**). This change does not affect the prior architectural approval.

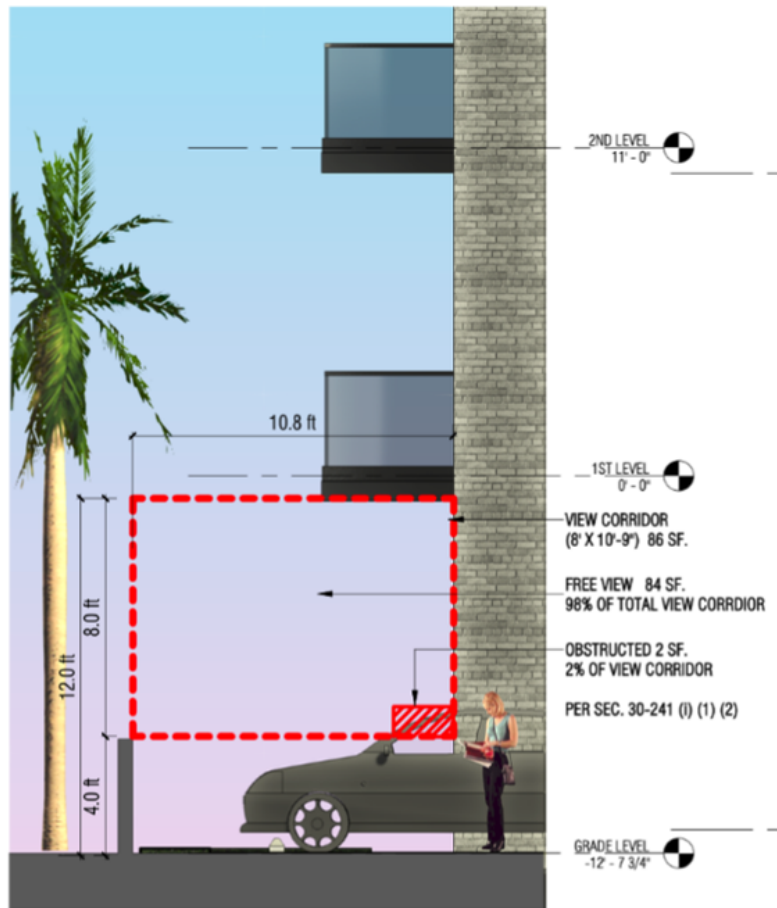


Image 2- Variance Illustration

Operationally, the project consolidates vehicular access to a single shared driveway primarily on Lot 3, replacing two separate curb cuts and reorganizing on-site circulation and parking. Both lots are legally nonconforming for parking, and Lot 3 holds a vested four-space deficiency from the prior site plan approval. Recognizing these conditions, the combined plan meets the remaining parking obligations as required by Town Code while improving site function and frontage conditions. Landscaping meets pervious area and tree requirements. The absence of a landscape island along the northern parking row is acknowledged and expressly waived as part of the development order, with staff retaining flexibility to fine-tune species and placement at permitting without falling below code minimums.

Table 1 Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment	4312 El Mar Drive
Setbacks	n/a	30% or 5 feet, whichever is less	4.7 foot encroachment request where 30% of the 5 foot required setback is 15.5'

Given Lot 4's narrow width and adjacency to existing development, limited dimensional relief is necessary to realize a compliant, context-sensitive building envelope. The applicant also requests a Level 2 Administrative Adjustment under Section 30-128 to reduce the northern side setback from 15.5 feet to 10.8 feet (30%), and a companion variance under Section 30-127 to (1) reduce the view corridor width from 13 feet to 10.8 feet (harmonized with the adjusted setback), (2) reduce the parking setback from 5 feet to 2 feet 4 inches, and (3) reduce the VUA perimeter landscape buffer from 2 feet 6 inches to 2 feet 4 inches. Importantly, the existing building provides no view corridor today (**Image 1**); the new plan yields a nearly unobstructed view corridor, representing a material improvement for neighboring properties and the public.



Image 3- Existing View Corridor

Staff's analysis (**see P&Z report dated September 3, 2025- Exhibit 3**) also finds that the variance criteria outlined in the Town Code (**Exhibit 4**) have been met: the physical constraints are site-specific, the hardship is not self-created, the relief requested is the minimum necessary to achieve a reasonable redevelopment, and the use remains expressly permitted in RM-25. In addition, the Administrative Adjustment standards are satisfied (**see P&Z report dated September 3, 2025- Exhibit 3**): the relief does not increase density or height, avoids easements/ROW, mitigates impacts (notably by expanding the view corridor from current conditions), and remains compatible with the surrounding El Mar Drive context. The project also improves circulation and enhances landscaping.

The applicant conducted the required Citizen Participation Meeting on August 18, 2025 and incorporated feedback (**Exhibit 5**) by removing the north balconies (**Exhibit 6**). Notices were mailed to owners within 300 feet, the property was posted, and the hearing was advertised pursuant to Section 30-139. To date, staff has received no public objections. Technical reviews have been secured or conditioned: Fire and solid waste are approved; BSO CPTED (Crime Prevention Through Environmental Design) review will occur during permitting; and

Town Engineer comments are incorporated as conditions of approval.

Code Section	Required	Proposed	In Compliance
30-241 (c) Height	Max. 3 stories/33'	3 stories/ 33'	Yes
	Parapet walls, etc.: Max 37' or 4' higher than roof whichever is less	37'	Yes
	Elevator shaft: not included in height limit.	41'	Yes
30-241 (f) & (m) Minimum ground floor building area	1,200 s.f.	1,210 s.f.	Yes
30-241(g)	Rear (El Mar Dr.): 133.4 ft.	182.4'	Yes
30-241 (h) Setbacks	Front: 25 ft.	52.7'	Yes
	Side (South): 15.5' (10' up to 22' in height; 1' for each 2' in height over 22')	10.8'	Yes (Administrative Adjustment requested)
30-241 (j) Length of Building	Maximum Length 200'	129.8'	Yes
30-241 (l) Density	Min. lot area (units without kitchens): 871 s.f. per unit Total required lot area for 11 units without kitchens: 9,581 s.f.	19,404 s.f. (combined sf of lot 3 and lot 4)	Yes

Table 2- Data Table for Project

Staff recommends approval of the Site Plan (2023-SP-01), the Variance (2024-V-01), and the Level 2 Administrative Adjustment (2024-LVL2-AA-01), along with recognition of the density redistribution and shared access plan, subject to conditions typical for coastal redevelopment. These include obtaining the FDEP CCCL permit (with plans labeling the Lowest Horizontal Structural Member and applicable 100-year storm elevation), Broward County Traffic and Surface Water Management approvals, undergrounding all utilities per Sec. 20-92, recording the unity of title prior to permit issuance, securing solid waste vendor concurrence, submitting

a code-compliant landscape plan (with the northern island waiver as stated), confirming no outstanding Town debts prior to permits, and obtaining a building permit within six months of approval. No signage or fencing is approved under this action; those require separate permits.

The Planning & Zoning Board considered these items on September 3, 2025 (**Exhibit 7**) and forwarded a recommendation of approval with conditions recommended by Staff. Adoption of staff's recommendation will facilitate a code-compliant, context-appropriate project that improves the corridor's function, appearance, and public view opportunities while maintaining the zoning district's scale and character.

Recommendation: Request # 1- Summary Findings and Recommendations

Upon review of the Plans received on July 18, 2025 by Linda Strutt Consulting, Inc. and by Jay Flynn Engineering, minor revisions to the plan set are necessary, and outstanding comments from Jay Flynn Engineering are incorporated into the Development Order (**Exhibit 8- Development Order**).

The proposed plans submitted by the Applicant are consistent with the Land Development Code and Town staff recommends approval of the site plans with the following conditions:

1. The Applicant shall obtain Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) Permit approval, as required, prior to issuance of any Building Permits. Civil and architectural plans shall demonstrate compliance with FDEP criteria, including clearly labeling the minimum Lowest Horizontal Structural Member (LHSM) and identifying the applicable FDEP 100-year storm elevation for this area. The plans shall be revised to reflect the required FDEP elevation standard.
2. The Applicant shall obtain Broward County Traffic Engineering Division approval for all proposed striping located within the public right-of-way. Striping restoration shall be clearly depicted on the civil plans whenever pavement restoration is included. Proof of Broward County Traffic approval and updated plans shall be submitted to the Town prior to issuance of any Building Permits.
3. The Applicant shall obtain Broward County Surface Water Management approval, as required, prior to issuance of any Building Permits. Full drainage calculations shall be submitted demonstrating compliance with Broward County Surface Water Management criteria, and the approved calculations shall be reflected in the civil plans.
4. In accordance with Sec. 20-92 of the Town Code, all utilities serving the development shall be installed underground at the Developer's/Owner's cost. Existing overhead service lines shall be converted to underground facilities at the time of development or reconstruction, at the Developer's/Owner's cost. For substantial redevelopment or reconstruction, all utilities adjacent to and serving the site shall be converted to underground facilities, and all new utilities shall be installed underground, consistent with the Code requirements.
5. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4308 El Mar Drive and 4312 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in

the public records of Broward County.

6. The Applicant shall provide written verification from the Town's solid waste vendor confirming acceptance of the proposed trash management plan, including location and method of service, prior to issuance of any Building Permits. No permits shall be issued until proof of an acceptable trash plan is submitted to and approved by the Town.
7. A landscape plan demonstrating compliance with the Town Code shall be submitted with the Building Permit application. Any tree removal or relocation shall require approval from Broward County prior to issuance of a Building Permit. The absence of a landscape island for the eleven parking spaces along the northern perimeter is acknowledged and is hereby waived as part of the Development Order approval.
8. No signs or fences are approved as part of this Development Order. Any proposed signage or fencing shall require submittal and approval under a separate permit application.
9. In the event the north-facing balconies are removed from the approved design, the Applicant shall submit revised architectural elevations reflecting the change for inclusion in the Town's official records. Updated elevations shall be provided prior to issuance of any Building Permits or Certificates of Occupancy, whichever occurs first following the design change.
10. The Applicant shall secure a building permit for the project within six (6) months of the date of the development order approval.
11. The construction shall be in accordance with submitted plans (**Exhibit 1**). Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code.
12. The approved site 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 the 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 results in a violation of federal or state law.
13. Prior to the 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 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.

Request # 2- Summary Findings and Recommendations

STAFF RECOMMENDATIONS:

The Board has the following options:

1. Recommend approval of the Variance to the Town Commission;
2. Recommend approval of the Variance to the Town Commission with conditions; or
3. Recommend denial of the Variance to the Town Commission.

Staff believes that the granting of the variance is justified based on the requirements of the

Town Code and recommends **APPROVAL**. The criteria to grant the request have been met.

Should the Board recommend approval of the request to the Town Commission, staff recommends the following conditions of approval (**Exhibit 9 - Development Order**):

1. All applicable state and federal permits shall be obtained before commencement of construction.
2. 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. A building permit will not be issued until all outstanding debts to the Town are paid in full.

Request # 3- Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff does recommends approval of the Level 2 Administrative Adjustment. If approved, staff recommends approval of the Level 2 Administrative Adjustment with the following conditions (**Exhibit 10- Development Order**):

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

Exhibits:

1. Ex. 1 - Ocean Treasure - Development Applications
2. Ex. 2 - Citizen Participation Feedback and Summary - Ocean Treasure
3. Ex. 3 - Planning and Zoning Board Staff Report - Ocean Treasure
4. Ex. 4 - Variance Procedures and Requirements
5. Ex.5 - Citizen Participation Feedback and Summary - Ocean Treasure
6. Ex. 6 - Ocean Treasure - Revised Renderings
7. Ex. 7 - Approved PZB Septemer 3, 2025 Minutes
8. Ex. 8 - Ocean Treasure - Site Plan Development Order
9. Ex. 9 - Ocean Treasure - Variance Development Order
10. Ex. 10 - Ocean Treasure - Administrative Adjustment Development Order

SITE PLAN APPLICATION

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: 2023-SP-01
BTR #: _____
Date Application Submitted: 7/10/23
Date Application found Completed: _____
Pre-Application Meeting Date: _____
Non-Refundable Application Fee: \$900
Cost Recovery Fee: \$2,600 deposit

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

Check appropriate application and block:

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

Project Name: OT Courtyard

x Folio Numbers: _____

Street Address: 4312 El Mar Dr. LBTS, FL 33308

x Legal Description: _____

Name of Property Owner: Ross Tannenbaum Property Owner's Phone #: (954) 683-6708

Address of Property Owner: 21 Isla Bahia Dr Fort Lauderdale FL 33316

Property Owner's Email Address: Tannenbaum RH@gmail.com

Name of Applicant: Ross Tannenbaum Applicant's Phone #: (954) 683-6708

Applicant's Address: 21 Isla Bahia Dr. Fort Lauderdale FL 33316

Applicant Email Address: Tannenbaum RH@gmail.com

Name of Agent (e.g. Contractor Representing the Project): Ross Tannenbaum

Agent's Email Address: Tannenbaum RH@gmail.com Agent's Phone #: (954) 683-6708

Agent's Address: 21 Isla Bahia Dr. Fort Lauderdale FL 33316

Land Use Plan Designation: _____ Zoning District: RM-25

Existing Use of the Subject Property: Hotel

Proposed Use of the Subject Property: Hotel

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: _____ Date: _____

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Dylan Tannenbaum Date: 10/8/25

Signature of Property Owner: [Signature]

State of Florida: _____

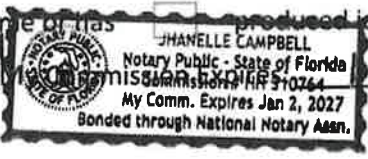
County: _____

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 10 of July, 2023.

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

Print Notary Name: Jhanelle Campbell

Notary Signature: [Signature]



Applicant

Print Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____

State of Florida: _____

County: _____

LAUDERDALE BY THE SEA

SITE PLAN CHECKLIST

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-121 -123 Site Plan, the following is a list of the required documentation required for development approval of a Site Plan.

SECTION A: ITEMS FOR SUBMITTAL

Note: Please submit digital copies with the hard copy application via email or thumb drive. All plans and surveys are required to have the same scale and orientation. You will need the following at submittal:

- The Fee for Site Plan + Deposit (See Fee Schedule)
- One (1) copy of Universal Application
- Two (2) full size copies of the following:
 - Survey – See Table A below
 - Development plan – See Table B below
 - Copy of recorded plat (as applicable)
 - Architectural requirements – See Table C below
 - Landscape Plan – See Table D below
 - Photometric plan
 - Preliminary civil plans
 - County tree removal license or letter from Broward County stating license not required (Required after plan approval)
 - Letter from the Town's Recycling and Solid Waste Coordinator indicating that the proposed garbage/recycling area meets the code requirements and is large enough to accommodate the proposed development
 - Letter from the Town's Development Services Director indicating that architectural review has been completed
 - A valid pre-application approval letter from the Florida Department of Transportation (if applicable)
 - List of outside agency permits anticipated for the proposed development

SECTION B: CONTENT REQUIREMENTS

TABLE A: SURVEY CONTENT

Required Item	Plan Page	If absent, provide justification
Survey (signed, sealed, fully dimensioned, and completed by a licensed surveyor within the last 12 months, > 1" = 50')	S-1 S-2	
Survey to include:		
Legal description	✓	
Area scale and north arrow	✓	

Exact acreage and square footage of site	✓	
Property boundary lines, dimensioned with ties to section corners	✓	
Paved and landscaped areas with parking spaces depicted and labeled	✓	
Natural features, such as: topography, vegetation, water bodies, and site adjacent trees	✓	
Street Poles and Utility Facilities	✓	
Structures	✓	
Distance between structures	✓	
Structure setbacks dimensioned from property lines and pavement areas	✓	
Easements	✓	
Adjacent ROW	✓	

TABLE B: PLAN CONTENTS

Required Item	Plan Page	If absent, provide justification
Legal description	A101a	
Site location sketch	S-1/S-2	E A101
Site boundaries identified and dimensioned	A101	
All adjacent ROW with center line, ROW width, paving width, existing median cuts and intersections	A101	
Any recorded non-vehicular access lines and access restrictions along ROW	N/A	
Adjacent existing uses, zoning and future land use surrounding the site	A102	
Proposed use, # stories	A101a	
Height of structure	✓	
Additional height of parapet	✓	
Building separation; dimensions to lot lines	A101	
Proposed external door locations	A200	

NOTE: CONTINUE TO NEXT PAGE FOR THE REMAINDER OF TABLE B: PLAN CONTENTS.

Required Item	Plan Page	If absent, provide justification
Setbacks for:	A101	
<i>Corners of each structure</i>	✓	
<i>Pavement</i>	✓	
<i>Accessory structures</i>	✓	
<i>Structural Planters and accessories</i>	✓	
<i>Balconies and roof overhands</i>	✓	
Vehicular circulation (vehicle, bike), connections to public ROW, reservoir dimensions	A101	
Distance between adjacent driveways and public intersections and site connections	—	
Geometry of all paved areas: centerlines, dimensions, radii, and elevations	A200	
Location of all parking areas with all spaces dimensioned, numbered, and labeled as to type if other than standard	A200	
Plan for trash and recycling showing accessibility (vehicle & pedestrian)	A200	
Loading areas: dimensions and accessibility	N/A	
Emergency vehicle access	N/A	
Bike racks with dimensions and # of spaces	A200	
Pedestrian circulation on site and to the public pedestrian system adjacent to the site, including ADA accessible compliance features	A200	
Walls and fences: dimensions and details	A200	
View corridors (if applicable)	A200	
Location of the Coastal Construction Control Line (if applicable)	S-1 S-2	
Existing & proposed fire hydrant locations, water main sizes	—	
Provider of water and wastewater facilities	—	
Trees adjacent to the site, marked	—	
Site Data Table (See Example 1)	A100-	EXISTING / A101a - NEW

TABLE C: ARCHITECTURAL REQUIREMENTS AND CONTENT

Required Item	Plan Page	If absent, provide justification
Proposed building colors and materials:	A 300	
<i>Using Town paint colors that are in accordance with the Town's Architectural Design Standards and architectural system of the building</i>	A300	
<i>Samples of colors</i>	A300	
<i>Samples of building materials</i>	A 300	
Front, side and rear elevations showing concealment of all mechanical or accessory equipment located on the roof, ground, or any other exterior region	A300	
Building floor plans	A200 - A 202	
Proposed external doors	A 200	
Renderings, including:	A900 - A901	
<i>Street level perspective</i>	✓	
<i>Oblique aerial drawings with existing and previously approved structures</i>	A102	
<i>Context plan: including adjacent uses and heights</i>	A102	

TABLE D: LANDSCAPE PLAN REQUIREMENTS AND CONTENT

Required Item	Plan Page	If absent, provide justification
Landscape plan (Signed and sealed by a registered landscape architect Article VII)	—	
<i>Identify the location of existing native vegetation</i>	—	
<i>Identify any vegetation that is to be removed, relocated, or preserved</i>	—	
<i>Tree Survey that identifies site adjacent trees</i>	—	

SECTION C: HEIGHT AND DATA TABLE EXAMPLES

EXAMPLE 1: HEIGHT DATA TABLE

Note: Please submit information the three bases below and specify the base being used for measurements.

	NAVD	FEET
Grade as defined in Florida Building Code		
18 Inches above highest crown of road		
Minimum permitted elevation for habitable finished floor	17.0'	17'-0"
Highest crown of road adjacent of building	10.66'	10'-8"
Highest base level for height measurements	21.5'	0'-0"
First floor level	21.5'	0'-0"
Top of roof deck	50.5'	29'-0"
Top of parapet	54.5'	33'-0"
Top of highest roof top structure	58.5'	37'-0"

EXAMPLE 2: SITE DATA TABLE

* (LOT 3 & LOT 4 COMBINED)

Note: Existing information is required if preserving existing building nonconformities. ** (MATCH EXISTING COO)

Type of requirement	Requirement/permited	Existing *	Proposed *
Future land use category	MH	MH	MH
Zoning category	RM-25	RM-25	
Uses	HOTEL	HOTEL	HOTEL
Site area:	—	—	
Net square footage	19,404	19,404	19,404
Net Acreage	.4454	.4454	.4454
Ground floor coverage	1300 MIN	4765	3780
—			
Total building area	—	8,375	29,088
—			
Density: # of units	22 / ACRE	19	22
Dwelling units/gross acre:	—	—	—

NOTE: CONTINUE TO NEXT PAGE FOR THE REMAINDER OF EXAMPLE 2: SITE DATA TABLE.

Building heights (existing and new)	33'-0"	18'-10"/20'-2"	33'-0"
Building lengths	200' MAX	110'-11"/80'-4"	151'-7"/80'-4"
Setbacks			
Existing side	12'-9" / 3'-10" (N)	12'-9" / 3'-10" (N)	12'-9" / 3'-10" (N)
New building front	25'	51'-8"/52'-8"	44'-0"/52'-8"
New building rear	189' / 194'	162'-8"/132'-4"	162'-8"/186'-7"
New building (building separation)	-	-	-
Pervious area sq. ft. & % of site	4,851 SF / 25%	4,362 / 22.4%	4,368 / 22.6%
Pervious area (setback) sq. ft. & % of site	1,732 SF / 25%		3,123 SF / 66.2%
Impervious area sq. ft. % of site	11,719 SF / 75%	14,985 / 77.2%	14,912 / 77.4%
VUA paved area		3,523	4,894 / 25.4%
VUA landscape area	1,105 SF / 20%	741	1,158
Parking required			
Handicap	1	1	1
Standard	13	13	13
Compact	0	0	5
Parking provided subtotal	14	14	19
Bicycle	0	0	12 (3)
Total parking	14	14	22
Landscape			
Trees	4	15	15/6 (VUA)
Shrubs	11	-	62

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

VARIANCE 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

For Administrative Purpose Only

Application Number: 2024-V-01
BTR #: 02538 & 02769
Date Application Submitted: December 24, 2024
Date Application Found Complete: _____
Pre-Application Meeting Date: _____
Non-Refundable Application Fee: \$1200.00
Cost Recovery Fee: \$500.00

LAUDERDALE • BY • THE • SEA

VARIANCE APPLICATION

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations applications for a Variance may be made under Section 30-127 and Section 30-112.

Section A: Items for Submittal

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

- The Fee for Variance + Deposit (See Fee Schedule)
- Completed and notarized Universal Development Application
- Survey of site signed and sealed by a licensed surveyor, dated no more than 12 months prior to the submission date
- An approved site plan and development order for the property, if existing
- Any other application specific information as required by the Development Services Director or designee.
- Completion of Section B, noted below

Section B: Variance Consideration Criterion

Note: An application shall be evaluated by the criteria noted in Section 30-127. Please provide a response to each question below.

1. Are there special conditions and circumstances existing that affect the land, structure or building involved preventing the reasonable use of such land, structure or building?
2. Are there circumstances which cause the hardship peculiar to the property or to such a small number of properties that they clearly constitute a marked exception to other properties in the district?
3. Does the literal interpretation of the provisions of the applicable regulation result in a hardship upon the owner, as distinguished from a mere inconvenience?
4. How is the hardship not self-created or the result of mere disregard for, or ignorance of the provisions of the regulations?
5. Is a variance the minimum that will make possible the reasonable use of the property and the variance will be in harmony with the general purposes and intent of the applicable zoning regulations and will the variance not be injurious to the neighborhood or otherwise detrimental to the public welfare?
6. How does the grant of the variance not permit a use not generally permitted in the district involved or a use expressly or by implication prohibited by the terms of the regulations of the district in which the affected property lies?
7. Will failure to grant the variance render the property unusable as a permitted use in the zoning district in which the property lies?

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

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.

DEC 24 12:43:20

Check appropriate application and block:

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

Project Name: Ocean Treasure Courtyard

Folio Numbers: 491318010190 and 494318010180

Street Address: 4308 - 4312 El Mar Dr. Lauderdale by the Sea, FL 33308

Legal Description: LOTS 6-2 B Lot 3 and Lot 4 BLK 4

Name of Property Owner: Russ Tannenbaum Property Owner's Phone #: (954) 683-6708

Address of Property Owner: 21 Isla Bahia Dr. Fort Lauderdale, FL 33316

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

Name of Applicant: Dylan Tannenbaum Applicant's Phone #: (954) 790-1588

Applicant's Address: 21 Isla Bahia Dr. Fort Lauderdale, FL 33316

Applicant Email Address: Dylan.Tannenbaum@gmail.com

Name of Agent (e.g. Contractor Representing the Project): Austin Fox

Agent's Email Address: Austin@af-architect.com Agent's Phone #: (954) 314-9242

Agent's Address: _____

Land Use Plan Designation: MH-Multi Family Zoning District: PM-25

Existing Use of the Subject Property: Motel

Proposed Use of the Subject Property: Motel

APPLICANT'S WAIVER OF TIME ALLOWED TO DENY APPLICATION

I Dylan Tanner (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: Dylan Tannerbaum Date: 12/19/24

Signature of Property Owner: [Signature]

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Ross Tannerbaum Date: 12/19/24

Signature of Property Owner: [Signature]

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of ☐ physical presence or ☐ online notarization, this day 19th of December 2024.

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

Print Notary Name: Jhanelle Campbell My Commission Expires: _____

Notary Signature: [Signature]

Applicant

Print Name of Property Owner: Ross Tannerbaum Date: 12/19/24

Signature of Property Owner: [Signature]

State of Florida:

County: Broward



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

19 of December 2024

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

Print Notary Name: Jhanelle Campbell My Commission Expires: _____

Notary Signature: [Signature]



ADMINISTRATIVE ADJUSTMENT – LEVEL 2 CHECKLIST



TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Department of Development Services
4501 N. Ocean Boulevard Lauderdale-By-The-Sea, FL 33308
Phone: 954-640-4210 Fax: 954-640-4654
Email: Planning@LBTS-FL.gov
www.LBTS-FL.GOV

ADMINISTRATIVE ADJUSTMENT – LEVEL 2

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-128 – Administrative Adjust Level 2, the following is a list of the required documentation required for development approval of an Administrative Adjustment Level-2 application.

Items for Submittal:

- Fee for Administrative Adjustment Level 2 + Deposit (See Fee Schedule – updated once a year)
- A completed Development Application signed and notarized
- Completed responses to the questions on Page 2 of this Application
- Two (2) boundary surveys signed and sealed. The survey must be current within 60 days of submittal of this application and drawn to scale. The survey must identify the following:
 - Distance of structure from property line
 - Distance between structures
 - Identify property lines
 - Existing setbacks
 - Easements
 - Adjacent right-of-way
 - On the survey, indicate the area subject to the Administrative Adjustment
- Two (2) hard copies of a site plan signed and sealed by an Architect or Engineer and drawn to scale. The site plan must identify the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Note: for single-family and duplex properties, the site plan does need to be drawn to scale. Site plans are not necessary for adjustment involving existing buildings.
- Upon resubmittal of the plans, include a letter response to the Town comment. This is done by providing the comment received from the Town followed by a response by the applicant
- Digital copies of the above referenced documents – via email, disk or thumb drive

ADMINISTRATIVE ADJUSTMENT PROCEDURES OR STANDARDS

Project Name: Ocean Treasure Hotel

Code Section from which Administrative Adjustment is sought: 30-241(h)(6)

On a separate page:

1. Provide a description of the request; and
2. Describe how the administrative adjustment request meets the criteria as established in Section 30-128 of the Code of Ordinances and stated below:
 - 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.

For Administrative Parking Adjustments, an Administrative Parking Adjustment may be approved, in whole 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.

Administrative Use Only

Date Application Submitted: _____	Date Found Complete: _____
Pre-Application Meeting Date: _____	Board of Adjustment Meeting Date: _____
Town Commission Meeting Date: _____	Application Number: _____

Application #: _____
BTR#: _____



TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Department of Development Services
4501 N. Ocean Boulevard Lauderdale-By-The-Sea, FL 33308
Phone: 954-640-4210 Fax: 954-640-4654
www.lbts-fl.gov

DEVELOPMENT APPLICATION

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. Please also refer to the Fee Schedule, updated annually by the Town, as provided on the website which will indicate the cost per application type. Please check the development approval being requested:

- | | | |
|--|--|--|
| ☐ Abandonment | ☐ Conditional Use-Sign | ☐ Preliminary Site Plan |
| ☐ Administrative Adjustment-Level 1 | ☐ Conditional Use-Transfer Fee | ☐ Sidewalk Cafe |
| ☒ Administrative Adjustment-Level 2 | ☐ Construction Time Extension | ☐ Sidewalk Cafe Modification |
| ☐ Architectural Review-Preliminary | ☐ Development Order Extension | ☐ Site Plan |
| ☐ Architectural Review-Final | ☐ Encroachment Application | ☐ Site Plan Modification-Level 1 |
| ☐ Bicycle Racks | ☐ Landscape Plan | ☐ Site Plan Modification-Level 2 |
| ☐ Conditional Use | ☐ Landscape Plan Amendment | ☐ Tree Removal |
| ☐ Conditional Use Amendment-Level 1 | ☐ Parking Reduction-Level 1 | ☐ Variance-Single Family |
| ☐ Conditional Use Amendment-Level 2 | ☐ Parking Reduction-Level 2 | ☐ Variance - Other |
| | | ☐ Other _____ |

Based on approval being requested, refer to the corresponding checklist and supplemental requirements.

Project Name: Ocean Treasure Hotel Folio Number(s): 494318010190

Street Address: 4312 El Mar Drive Lauderdale by the Sea, FL 33308

Subdivision Name: Lauderdale by the Sea Block(s): 4 Lot(s): 4

Name of Property Owner: Ross Tannabaum Address of Property Owner: Same as site

Property Owner's Phone Number: 954-790-1588 Property Owner's Email Address: Dylan.tannenbaum@gmail.com

Name of Applicant: Dylan Tannenbaum Address of Applicant: Same as site

Applicant Phone Number: 954-790-1588 Applicant Email Address: Dylan.tannenbaum@gmail.com

Name of Agent (e.g. Contractor) Representing the Project: Austin Fox

Agent's Address: 1754 E COMMERCIAL BLVD Agent's Phone: 954-314-9242 Email Address: Austin@af-architect.com

Land Use Plan Designation: MH-Multi Family Res. Zoning District: RM-25

Existing/Type of Use of the Subject Property: Hotel

Proposed Use of the Subject Property: Hotel

As applicable, answer the following:

Existing Number of Units: 10 Proposed Number of Units: 13

Existing Square Footage: 4,638 Proposed Square Footage: 15,151

Note: This site will be joined with Lot 3 (existing) to create a unified project
The total number of units proposed for the project is 22



DEVELOPMENT APPLICATION SIGNATURE PAGE

Print Name of Property Owner: Ross Tannenbaum

Date: 8/6/2025

Signature of Property Owner: [Signature]

State of Florida: _____

County: Broward

SWORN AND SUBSCRIBED before me this 6th day of August, 2025

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

Print Notary Name: Jhanelle Campbell

Notary Signature: [Signature]

My Commission expires: 1/2/27



Print Name of Applicant: Dylan Tannenbaum

Date: 8/6/25

Signature of Property Applicant: [Signature]

State of Florida: _____

County: Broward

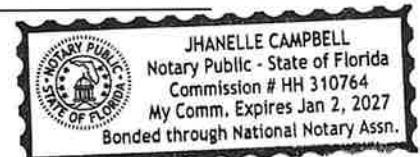
SWORN AND SUBSCRIBED before me this 6 day of August, 2025

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

Print Notary Name: Jhanelle Campbell

Notary Signature: [Signature]

My Commission expires: 1/2/27



FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Pre-Application meeting date: _____

Non-refundable Application Fee: _____

Cost Recovery Fee: _____



New Hotel Project

4308 + 4312 El Mar Drive

Lauderdale By-The-Sea, FL 33308

Citizen Participation Meeting Summary on August 18, 2025

Table of Contents

Application and Development Summary (page 3)

Project Summary (page 4)

Participation Meeting Summary (page 5)

Attendees List (page 6)

Community Member Comments (pages 7-9)

Appendix (page 10)

Notice of Meeting (page 11)

Project Presentation with Renderings (pages 12-25)

Application and Development Summary

Project Summary

The proposed new hotel development is located at 4312 El Mar Drive, Lauderdale By-The-Sea, Florida 33308 and will be combined with the current Ocean Treasure located next door at 4308 El Mar Drive. The two lots allow for a density of 22 total units, which allows us to build 13 new units since Ocean Treasure will have 9 if this development gets approved. This project would entail demolishing the current Courtyard Villa hotel and putting in its place a beautiful 3-story hotel that would match the aesthetics of Ocean Treasure and the surrounding town. The plan is to combine the two plots with a unity of title and make it all one property under the same name of Ocean Treasure. We have built a great reputation over the last 5 and half years with Ocean Treasure and hope to expand on that with this new development.

With this new development comes some important improvements to the town and surrounding areas. The current parking situation at both hotels does not meet current code, as it is all back-out parking that goes directly over the busy El Mar sidewalk and into El Mar Drive. Our new plan combines the parking on both properties so that we no longer have back-out parking, with enough space to offer two lanes so that cars can come and go as they please. We are also expanding on the view corridor as the current Courtyard Villa has zero view corridor as it stands today. The new development will have a 97% increase in its view corridor, with only a small bit of it taken up by the front of vehicles. We are proud of this new design and think that the entire town of Lauderdale By-The-Sea will be too as it enhances the most dilapidated building in the town and transforms it into a gorgeous new 3-story development that matches the midcentury modern aesthetics that makes the town so unique and beloved.

Citizen Participation Meeting Summary

The Citizen Participation meeting was held on Monday August 18, 2025, at 6:00pm in Jarvis Hall located at 4505 N. Ocean Drive in Lauderdale By-The-Sea, FL 33308. The meeting was successful in assisting the townspeople in understanding how the new development would impact the surrounding neighborhood.

The meeting lasted approximately an hour and we were able to discuss important issues that some people had, and we were able to find a good solution to alleviate each issue.

Attendees List

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

Meeting Attendees:

1. Rich Hilchey
2. Dorothy Siebert
3. Diane Kanell
4. Megan Slade

Community Member Comments

Mr. Rich Hilchey is a resident of Oriana at Lauderdale located at 4316 El Mar Drive which is a direct neighbor to 4312 El Mar Drive. He had two issues to address:

1. The resident's first issue was with the balconies facing his unit on the North side of the proposed development. He asked if we could get rid of the portion of the balcony that faced his unit.

Applicant Response:

We think this request is completely reasonable and have decided to remove the portion of the balcony that faces North, so that now the balcony only faces East towards the ocean. This will completely alleviate Mr. Hilchey's issue.

2. The resident's second issue was with the electric pole located on the sidewalk between our two plots. He requested that we remove the pole and bring the power underground so that the sidewalk area would look better for residents and pedestrians.

Applicant Response:

We will work hard to remove this electric pole, and we are required to bring the power underground anyway as LBTS code requires us to do so. That being said, the pole is owned by FPL and ultimately the decision to remove the pole or not is entirely up to them. We agree that we want this pole gone, and hope that there are no reasons why the pole must stay even after bringing our power underground. We will have to follow FPL's decision on this, so I cannot promise that the pole will be removed.

Community Member Comments Cont.

Dorothy Siebert is another resident of Oriana at Lauderdale who had one issue to address with us:

1. Her issue was to request that the electric pole be removed as Mr. Hilchey requested earlier. She just wanted to emphasize her desire that the pole be removed.

Applicant Response:

Please refer to our previous response to Mr. Hilchey. Ultimately the removal of the pole is up to FPL, but we will push hard to get it removed as we bring our power underground.

Community Member Comments Cont.

Megan Slade is the property manager of Oriana at Lauderdale and she had three issues to address with us.

1. Ms. Slade's first issue was similar to Mr. Hilchey's in that she wants us to remove the North facing portions of the proposed balconies so that they only face East.

Applicant Response:

To reiterate, we think this request is completely reasonable and have decided to remove the portion of the balcony that faces North, so that now the balcony only faces East towards the ocean. This will completely alleviate Ms. Locay's issue.

2. Ms. Slade's second issue also pertains to these balconies. She requested that a covering of sorts be placed in front of the window facing the North so that our guests could not look into the Oriana units next to us.

Applicant Response:

As a result of removing the portion of the balcony that faced North, there is no way to add the slats we used to create privacy on our other balconies without completely covering the views from the window. We feel that we have mitigated the issue as much as possible so that our guests do not see freely into the neighboring units at Oriana, but we still want them to enjoy the ocean views to the North and be able to see the pier. We also need the window on the North corner of the property to allow for more natural light in the unit.

3. Ms. Slade's third issue pertains to the parking along the perimeter of the building. She would like us to have a hedge of some sort to block the car lights so that when they park they do not disturb Oriana residents next door.

Applicant Response:

This is another completely reasonable request and we will work hard to make sure that the car lights are covered from being seen by our neighbor. We will work with the town to find the best way to do so by finding the right landscaping or fencing needed to cover the lights.

Appendix

Notice of Meeting

**CITIZEN
PARTICIPATION
MEETING**

CASE: 2023-SP-01

APPLICANT: Dylan Tannenbaum

ADDRESS: 4312 EL Mar Drive

REQUEST: Applicant has requested Site Plan
Approval to demolish an existing 2 Story hotel &
Construct a new 3 story hotel containing 22 units

Date: 08/18/2025

Time: 6:00pm

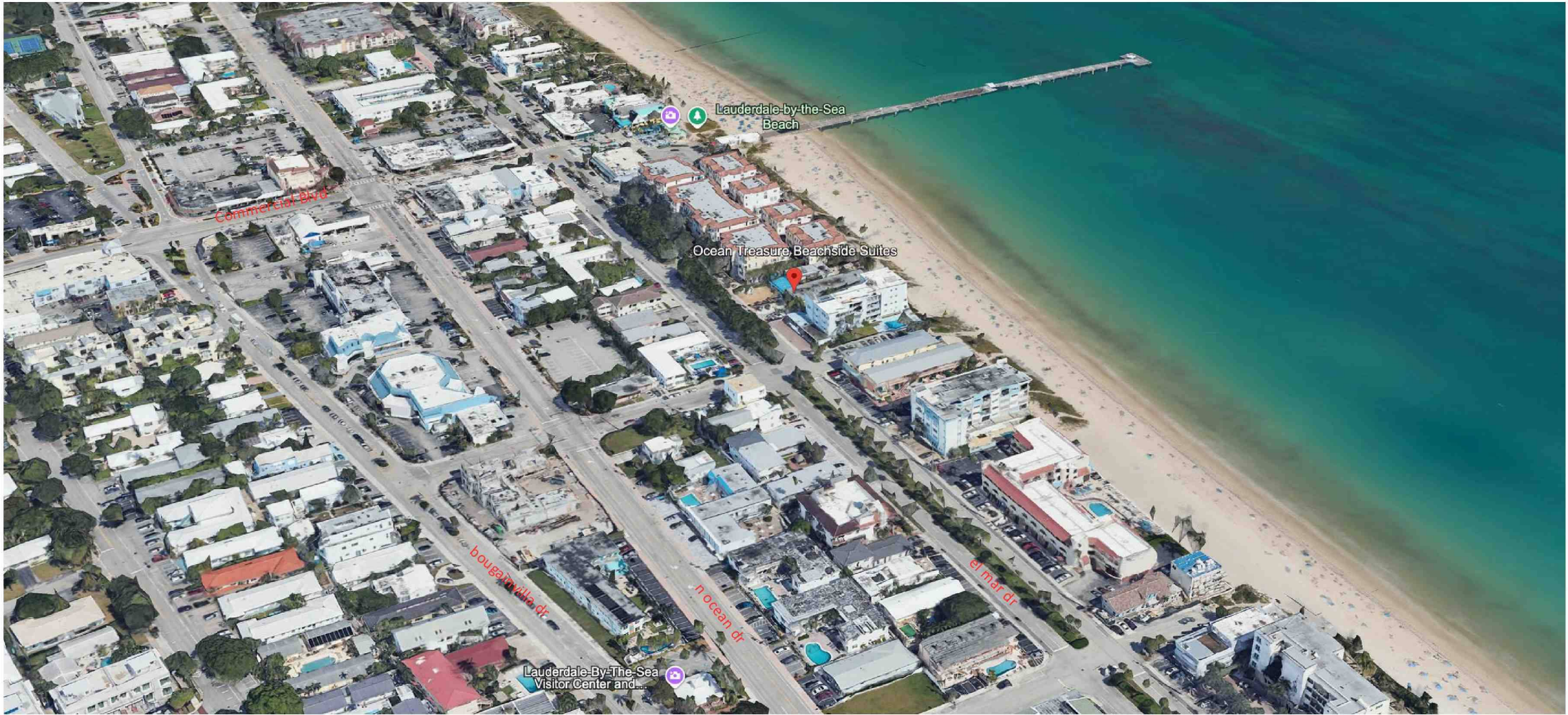
Location: Jarvis Hall, 4505 N Ocean
Drive, Lauderdale-By-The-Sea

Project Presentation With Renderings

Ocean Treasure

4308 + 4312 El Mar Dr
Lauderdale By The Sea, FL
33308



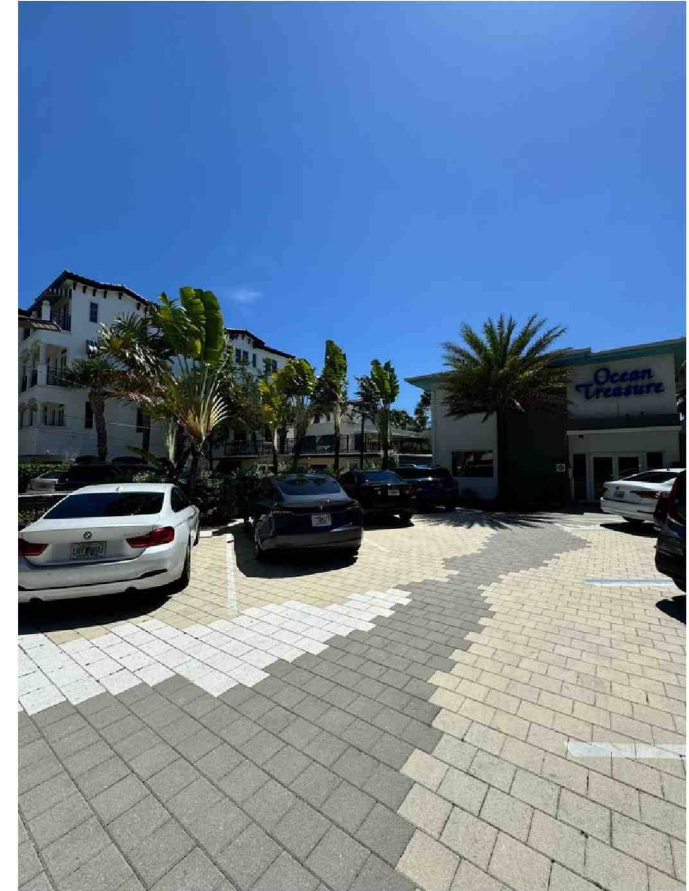




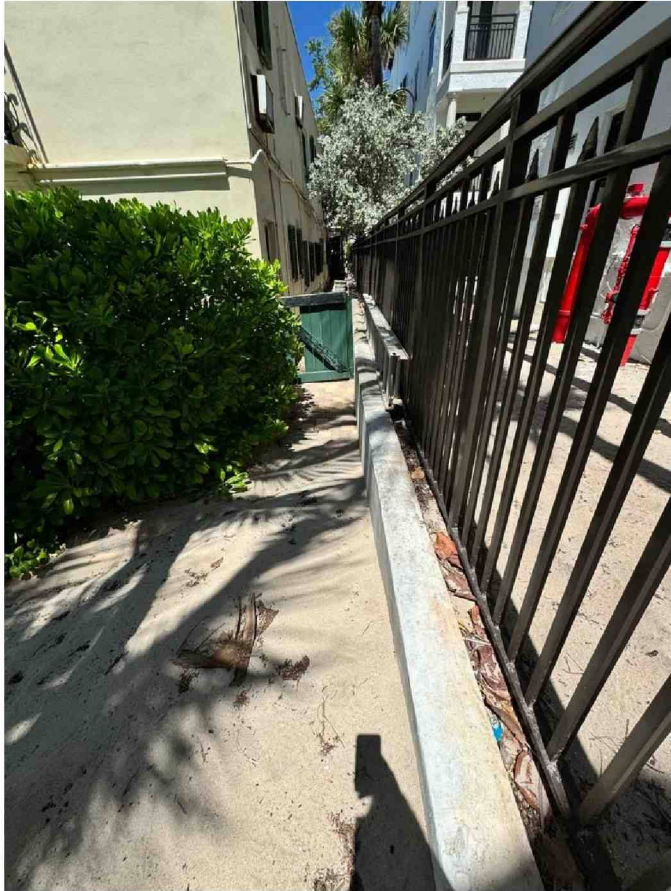
Existing
View Corridor(Front)



Existing
Front view



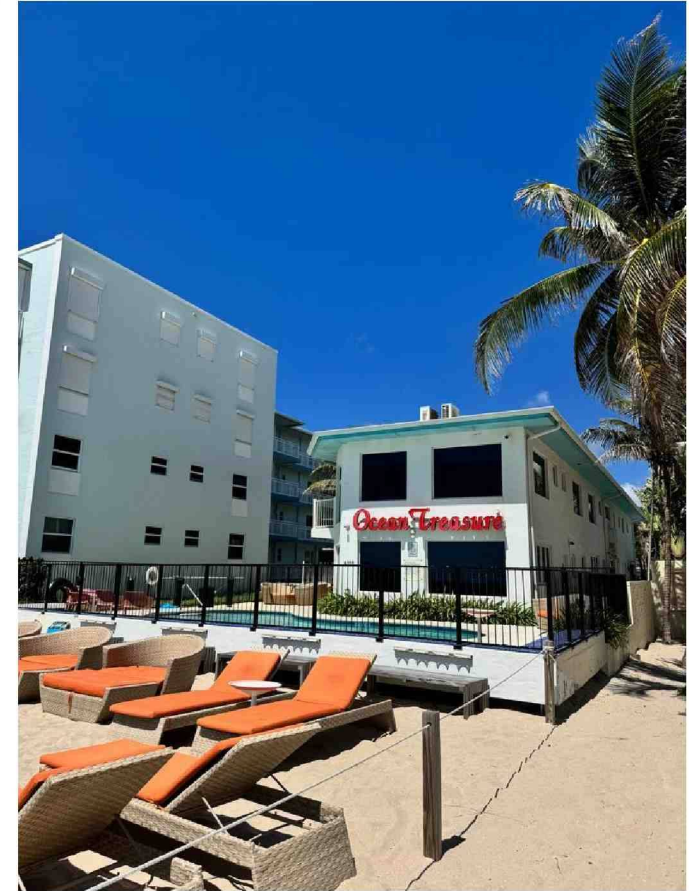
Existing
Front view



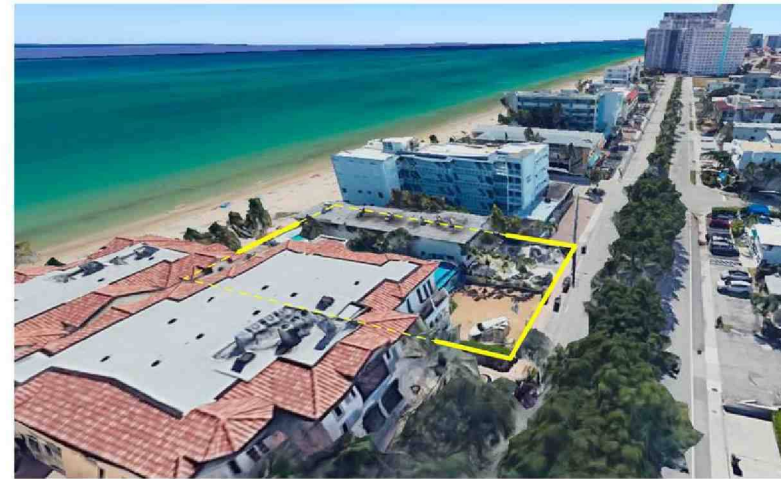
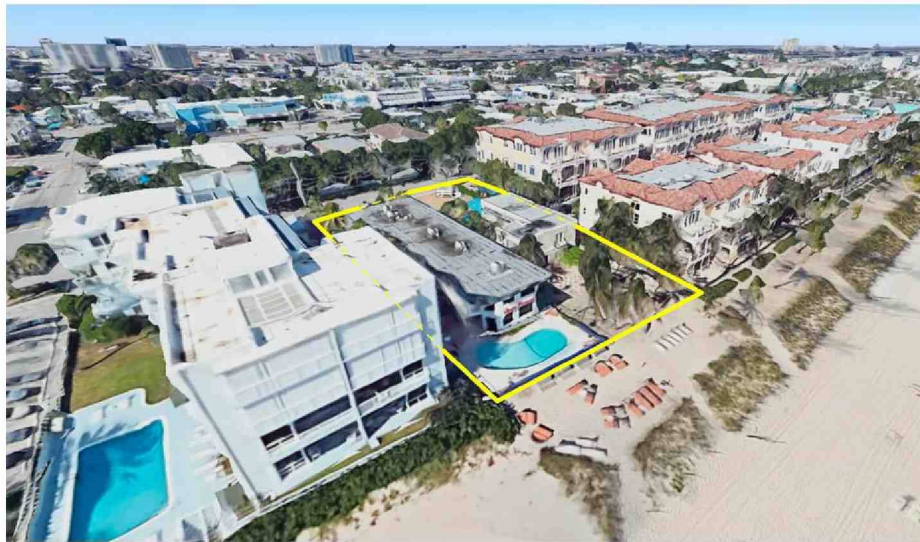
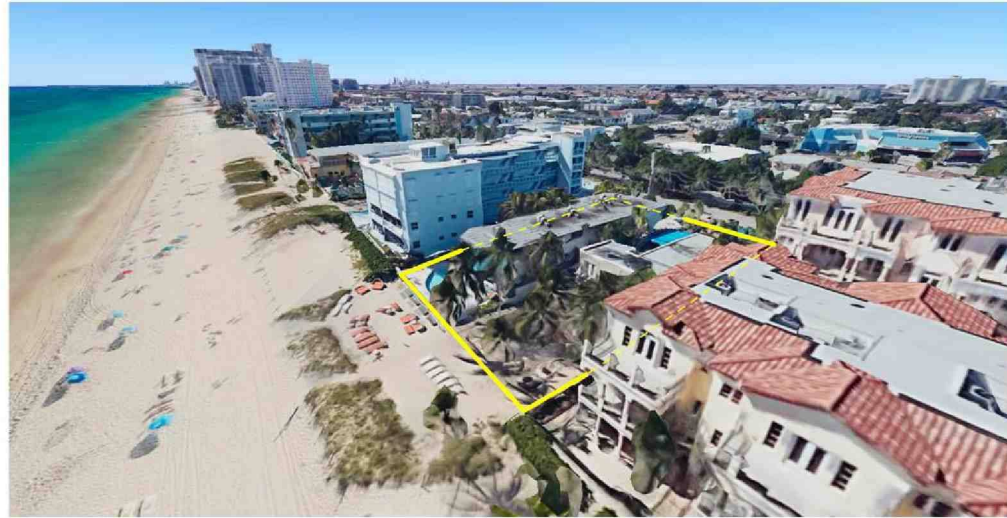
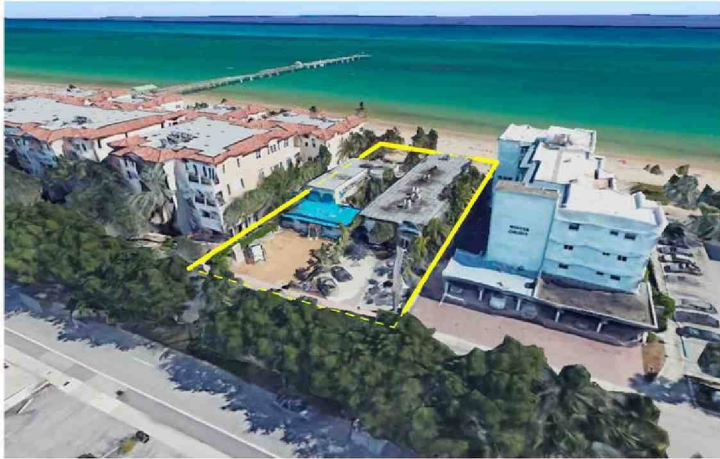
Existing
View Corridor(Rear)



Existing
Rear view

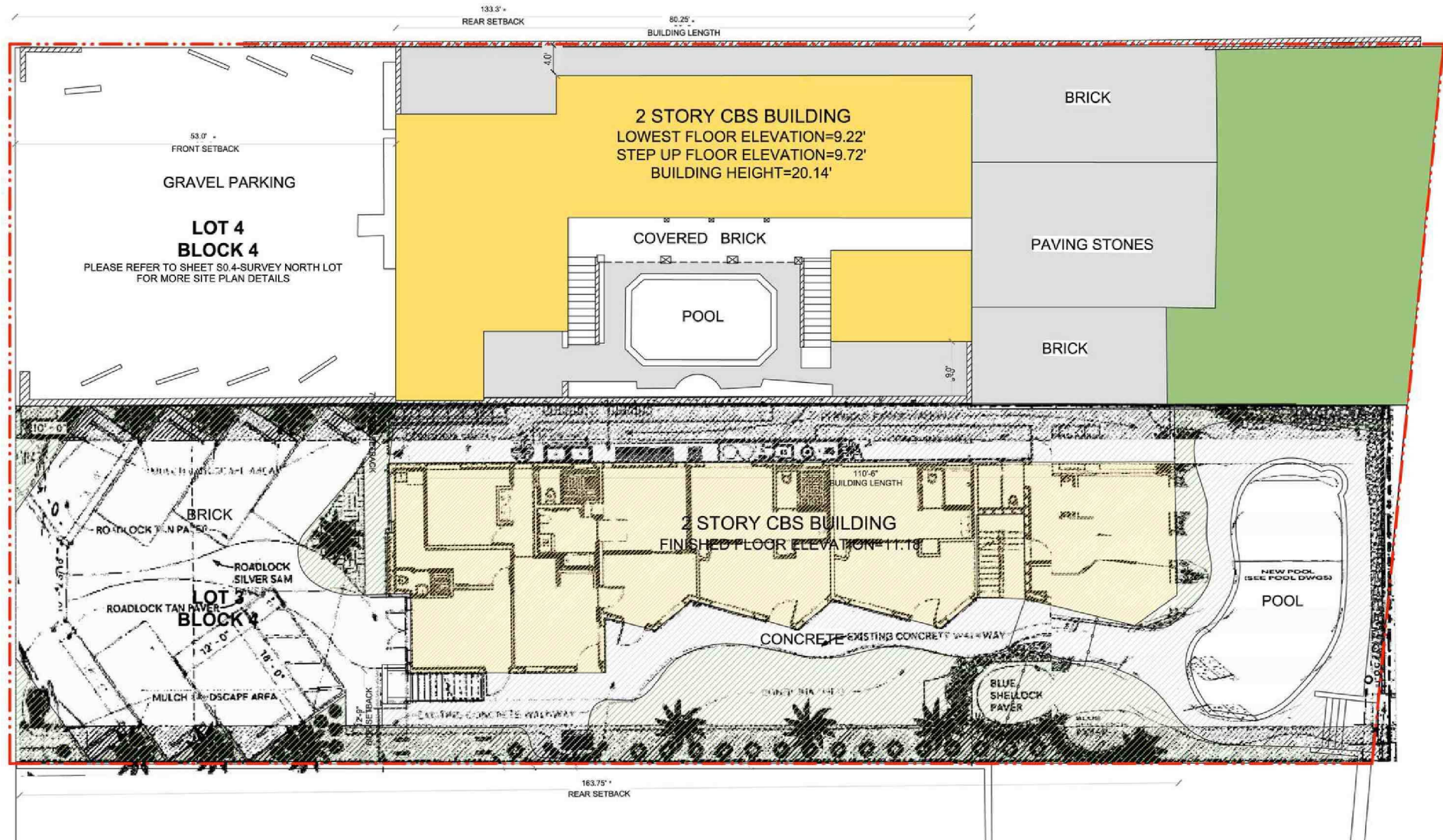


Existing
Rear view

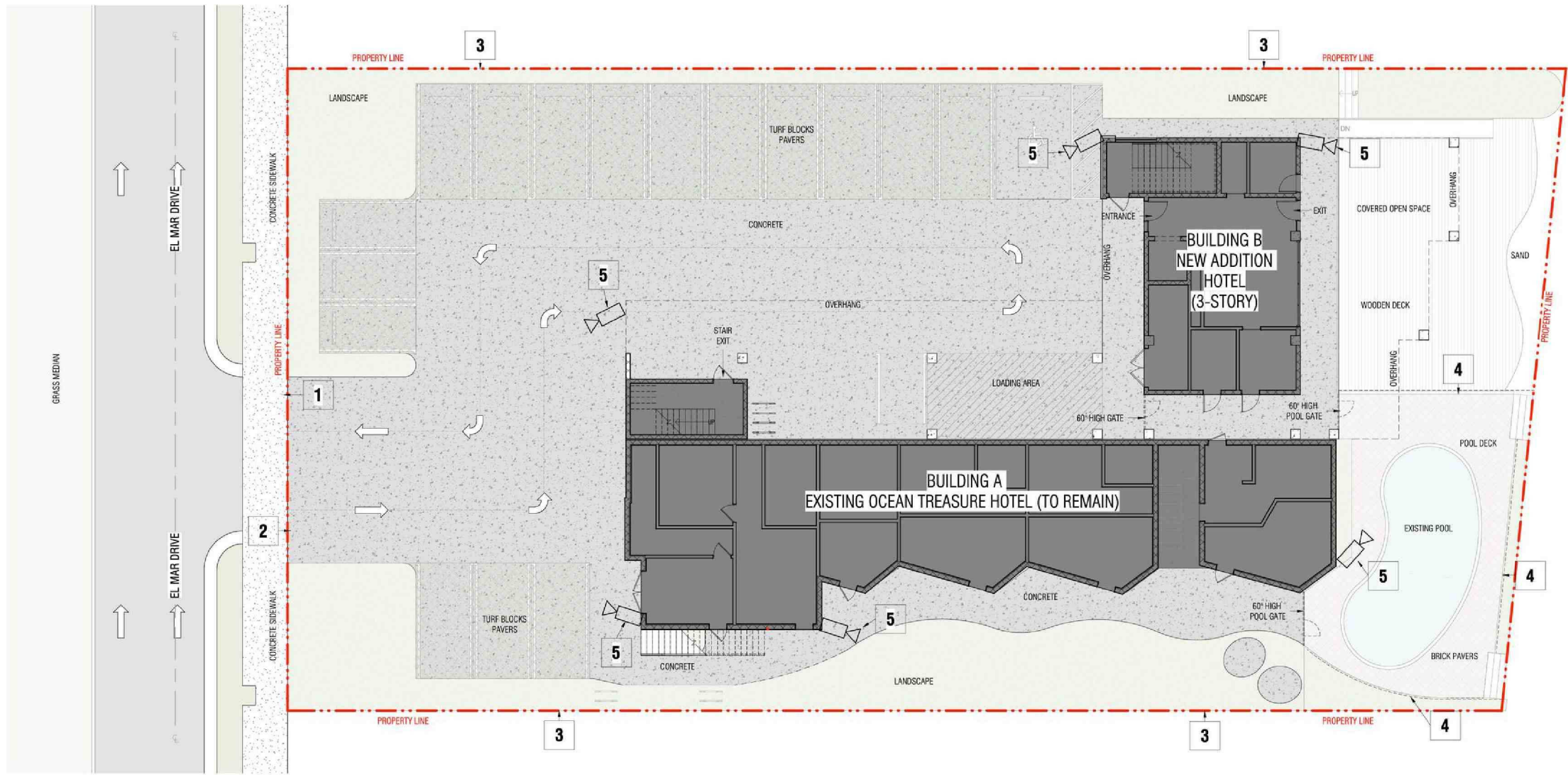


① AREAL VIEWS
SCALE: 1/8" = 1'-0"

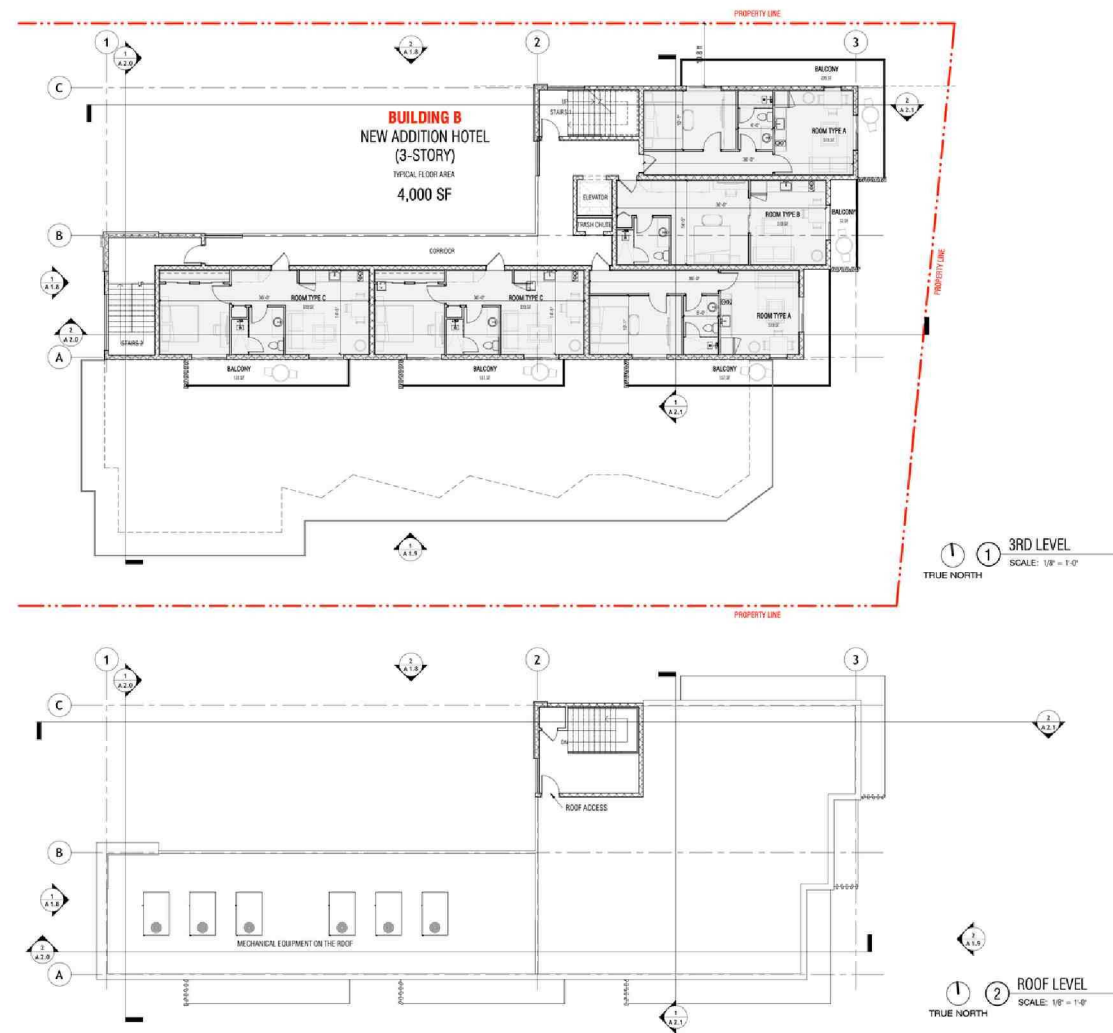
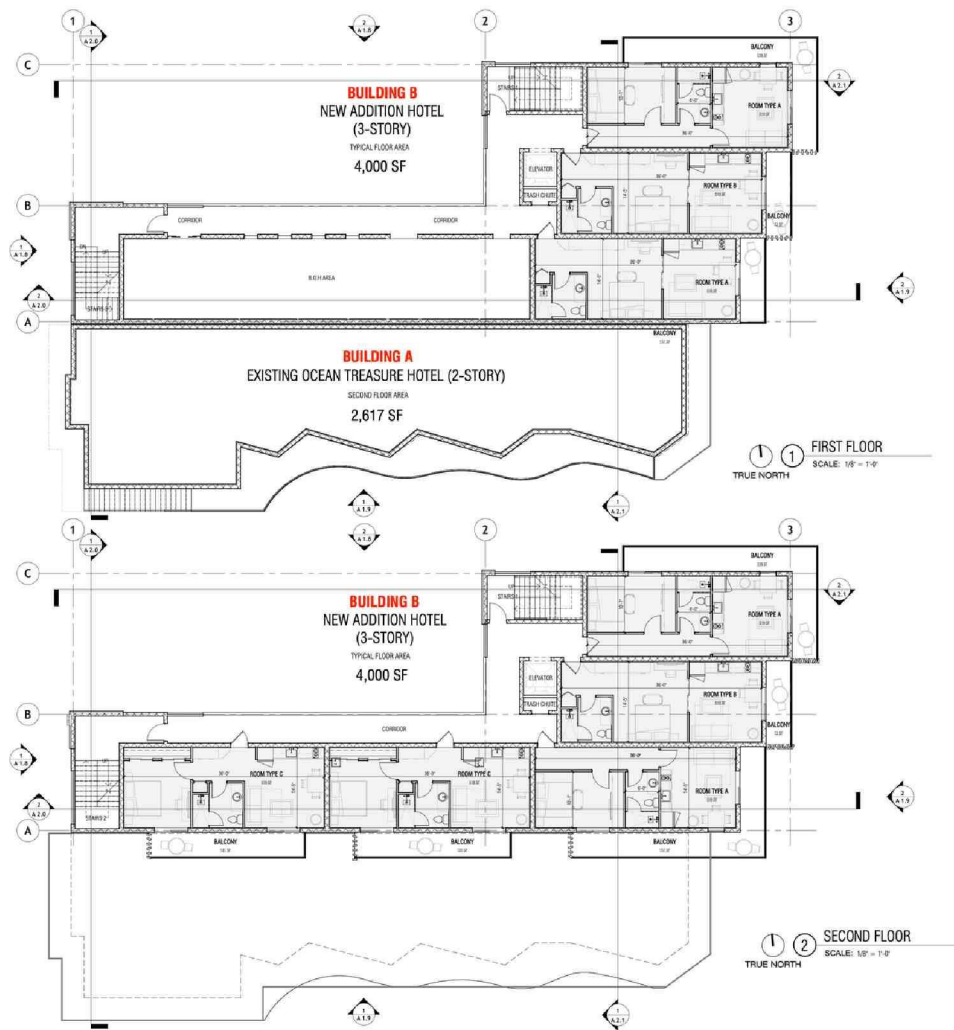
EL MAR DRIVE

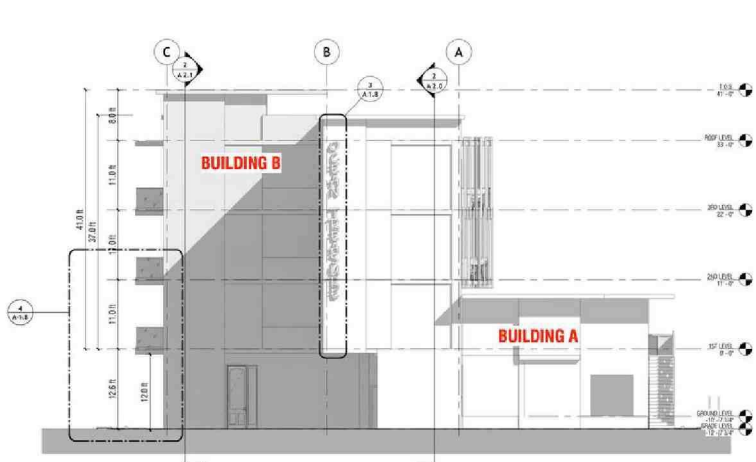




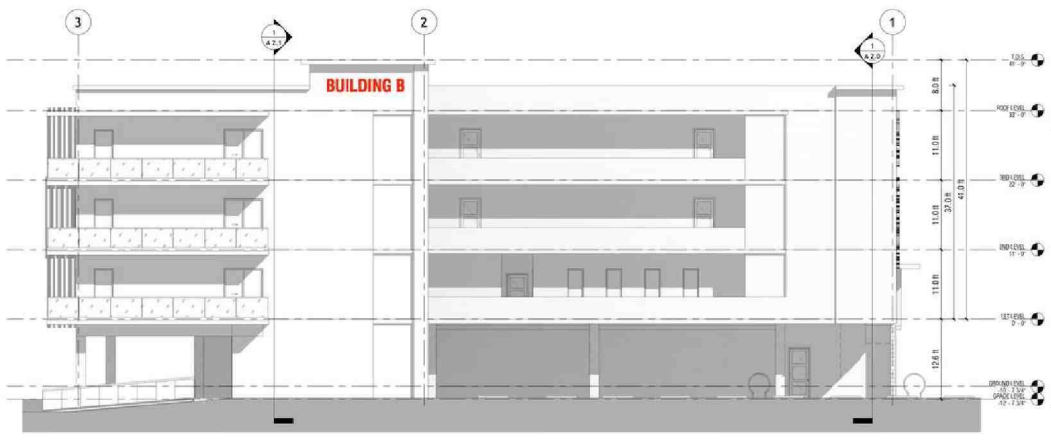


Ground Floor Plan

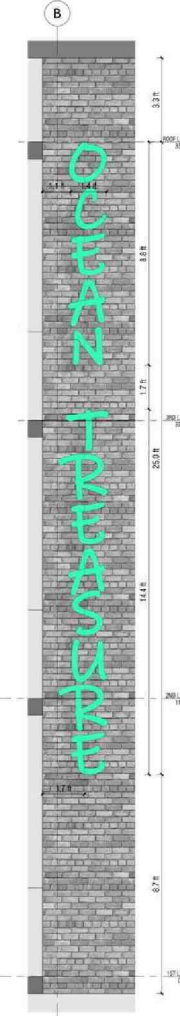




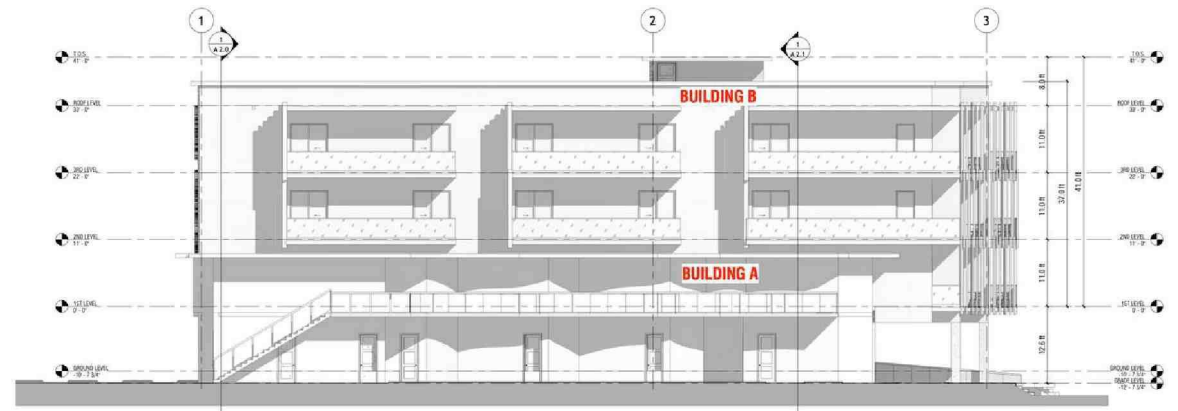
① WEST ELEVATION
SCALE: 1/8" = 1'-0"



② NORTH ELEVATION
SCALE: 1/8" = 1'-0"



③ SIGN LOGO
SCALE: 1/2" = 1'-0"



① SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



② EAST ELEVATION
SCALE: 1/8" = 1'-0"





Renderings

08-18-25
Page 383 of 456



Renderings

08-18-25
Page 384 of 456



Agenda Item No: 5.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: September 3, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Request 1: Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, "Unified Land Development Regulations," Article IV, "Development Permits –Applications, Requirements and Review Procedures," Division 2, "Site Plan Procedures and Requirements" of the Town's Code of Ordinances (the "Town Code"), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the "Property").

Request 2: Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, "Variances," the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.

Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, "Unified Land Development Regulations," Article IV, "Development Permits – Applications, Requirements and Review Procedures," Division 4, "Adjustments To The Code – Procedures And Requirements," Section 30-128, "Administrative Adjustments," of the Town's Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), "Side Setbacks," of the Town's Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

Explanation: See attached report and supplemental exhibits

Recommendation: Request #1- Site Plan 2023-SP-01- Description: Pursuant to Chapter 30, "Unified Land Development Regulations," Article IV, "Development Permits –Applications, Requirements and Review Procedures," Division 2, "Site Plan Procedures and Requirements" of the Town's Code of Ordinances (the "Town Code"), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the "Property").

Request # 1- Summary Findings and Recommendations

Upon review of the Plans received on July 18, 2025 by Linda Strutt Consulting, Inc. and by Jay Flynn Engineering, minor revisions to the plan set are necessary, and outstanding comments from Jay Flynn Engineering are incorporated into the Development Order (**Exhibit 14**).

The proposed plans submitted by the Applicant are consistent with the Land Development Code and Town staff recommends approval of the site plans with the following conditions:

1. The Applicant shall obtain Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) Permit approval, as required, prior to issuance of any Building Permits. Civil and architectural plans shall demonstrate compliance with FDEP criteria, including clearly labeling the minimum Lowest Horizontal Structural Member (LHSM) and identifying the applicable FDEP 100-year storm elevation for this area. The plans shall be revised to reflect the required FDEP elevation standard,.
2. The Applicant shall obtain Broward County Traffic Engineering Division approval for all proposed striping located within the public right-of-way. Striping restoration shall be clearly depicted on the civil plans whenever pavement restoration is included. Proof of Broward County Traffic approval and updated plans shall be submitted to the Town prior to issuance of any Building Permits.
3. The Applicant shall obtain Broward County Surface Water Management approval, as required, prior to issuance of any Building Permits. Full drainage calculations shall be submitted demonstrating compliance with Broward County Surface Water Management criteria, and the approved calculations shall be reflected in the civil plans.
4. In accordance with Sec. 20-92 of the Town Code, all utilities serving the development shall be installed underground at the Developer's/Owner's cost. Existing overhead service lines shall be converted to underground facilities at the time of development or reconstruction, at the Developer's/Owner's cost. For substantial redevelopment or reconstruction, all utilities adjacent to and serving the site shall be converted to underground facilities, and all new utilities shall be installed underground, consistent with the Code requirements.
5. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4308 El Mar Drive and 4312 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in the public records of Broward County.
6. The Applicant shall provide written verification from the Town's solid waste vendor confirming acceptance of the proposed trash management plan, including location and method of service, prior to issuance of any Building Permits. No permits shall be issued until proof of an acceptable trash plan is submitted to and approved by the Town.
7. A landscape plan demonstrating compliance with the Town Code shall be submitted with the Building Permit application. Any tree removal or relocation shall require approval from Broward County prior to issuance of a Building Permit. The absence of a landscape island for the eleven parking spaces along the northern perimeter is acknowledged and is hereby waived as part of the Development Order approval.
8. No signs or fences are approved as part of this Development Order. Any proposed signage or fencing shall require submittal and approval under a separate permit

application.

9. In the event the north-facing balconies are removed from the approved design, the Applicant shall submit revised architectural elevations reflecting the change for inclusion in the Town's official records. Updated elevations shall be provided prior to issuance of any Building Permits or Certificates of Occupancy, whichever occurs first following the design change.
10. The Applicant shall secure a building permit for the project within six (6) months of the date of the development order approval.
11. The construction shall be in accordance with submitted plans (**Exhibit 1**). Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code.
12. The approved site 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 the 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 results in a violation of federal or state law.
13. Prior to the 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 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.

Request 2: Variance 2024-V-01- Description: Pursuant to the requirements of Section 30-127, "Variances," the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the property located at 4312 El Mar Drive.

Request # 2- Summary Findings and Recommendations

STAFF RECOMMENDATIONS:

The Board has the following options:

1. Recommend approval of the Variance to the Town Commission;
2. Recommend approval of the Variance to the Town Commission with conditions; or
3. Recommend denial of the Variance to the Town Commission.

Staff believes that the granting of the variance is justified based on the requirements of the Town Code and recommends **APPROVAL**. The criteria to grant the request have been met.

Should the Board recommend approval of the request to the Town Commission, staff recommends the following conditions of approval (**Exhibit 17**):

1. All applicable state and federal permits shall be obtained before commencement of construction.
2. 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. A building permit will not be issued until all outstanding debts to the Town are paid in full.

Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, "Unified Land Development Regulations," Article IV, "Development Permits – Applications, Requirements and Review Procedures," Division 4, "Adjustments To The Code – Procedures And Requirements," Section 30-128, "Administrative Adjustments," of the Town's Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), "Side Setbacks," of the Town's Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

Request # 3- Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff does recommends approval of the Level 2 Administrative Adjustment. If approved, staff recommends approval of the Level 2 Administrative Adjustment with the following conditions (**Exhibit 19- Development Order**):

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

Exhibits:

1. 4312 EL MAR DRIVE _OCEAN TREASURE STAFF REPORT
2. Exhibit 1- Applications
3. Exhibit 2 - PLANS
4. Exhibit 3- 2019 Development Order
5. Exhibit 4 - Sec. 30-139 Notice of Public Hearings
6. Exhibit 5- Citizen Participation Summary
7. Exhibit 6 - Architectural Review Approval
8. Exhibit 7 - Sec. 7.1. Maximum height for buildings established
9. Exhibit 8 - Sec. 30-241. RM 25 district - Apartments and lodging
10. Exhibit 9 - Sec. 30-318 - Minimum parking requirements
11. Exhibit 10 - Sec. 30-122 Site Plan requirements
12. Exhibit 11- 30-122
13. Exhibit 12 - Fire Approval
14. Exhibit 13 - Engineering approval with comments
15. Exhibit 14- 2023-SP-01 Ocean Treasure Site Plan Development Order
16. Exhibit 15- Variance Procedures
17. Exhibit 16- Narratives

18. Exhibit 17- Variance Development Order Ocean Treasure
19. Exhibit 18- Admin Adjustments
20. Exhibit 19- Ocean Treasure Admin Adjustment Development Order



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board
From: Jhanelle Campbell, Development Services Director
Date: August 25, 2025
Meeting Date: September 3, 2025

Re: Request 1: Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits –Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).

Request 2: Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, “Variances,” the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.

Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments To The Code – Procedures And Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

Proposed Project Background

The purpose of this memorandum is to provide findings and recommendations regarding the Site Plan, Variance and Administrative Adjustment applications (**Exhibit 1**) and plans (**Exhibit 2**) submitted to the Town of Lauderdale-By-The-Sea (the “Town”) for the Property located at 4312 El Mar Drive (the “Property”). The Applicant, Dylan Tannenbaum proposes to demolish the Courtyard Hotel (4312 El Mar Drive/ Lot 4), an existing 2 story

hotel on the Property and construct a new three (3)-story 22-unit hotel (without kitchens) adjacent to but not connected to an existing hotel located at 4308 El Mar Drive (Lot 3). The proposed project would combine the two adjacent lots via unity of title to create a two-building hotel project on a 0.445-acre site. The proposed project will result in shared access, parking and amenities between the two buildings with the new building on lot 4 (4312 El Mar Drive) being subject to current code and building regulations.

The southern lot (4308 El Mar Drive), Lot 3, is developed consistently with a site plan subject to a development order dated May 10, 2019 (**Exhibit 3**). The northern lot, Lot 4, is currently developed with a 2-story hotel with swimming pool and gravel parking.

The applicant proposes redistribute density across Lots 3 and 4 to maximize the permitted 22 units on the combined site. Lot 3 currently contains 9 units (approved for 11) and Lot 4 has 10 units, totaling 19 units. The revised plan combines existing rooms in the Lot 3 hotel with the proposed new building on Lot 4, reaching the maximum allowed density of 22 units.

Both lots presently have separate access drives, parking, and amenities. Each lot provides 7 parking spaces; the proposal consolidates parking and access via a shared driveway primarily on Lot 3. Parking and landscaping modifications are included in the applicant's request. Both sites are nonconforming for parking: Lot 3 is vested for a 4-space deficiency. The overall 22-space requirement can be reduced by this deficiency, with bicycle parking and a low-speed vehicle proposed to satisfy the balance.

Setbacks and design adjustments are also requested. The proposed 33-foot-tall building requires a 15.5-foot side setback, but the applicant seeks a 30% administrative adjustment, reducing the setback and the view corridor.

A variance is required to allow encroachment into the view corridor area, reducing the width to 10.8 feet where 13 feet is required consistent with the requested side yard setback adjustment, to accommodate northern property line parking. Relief is sought for (1) reduced view corridor width and clearance due to parking encroachments consistent with the requested 10.8-foot side yard setback adjustment, (2) a reduced parking setback along the northern boundary, and (3) a minor reduction in the required VUA perimeter landscape buffer. Parking modifications result in 11 spaces within 5 feet of the northern property line, and the VUA landscape buffer falls 2 inches short of code requirements. Variances are therefore required for parking placement, buffer width, and view corridor impacts.

Key Actions Required:

1. Site plan for new building at 4312 El Mar Drive
2. Administrative adjustment for reduced side yard setback (north) at 4312 El Mar Drive.
3. Variance for encroachment into the view corridor area at 4312 El Mar Drive.
4. Variances for reduced VUA buffer and parking within 5 feet of the property line at 4312 El Mar Drive.

5. Approval of density redistribution and shared access plan across both sites (4308 El Mar Drive and 4312 El Mar Drive).



Figure 1- Location of proposed project

The Applicant has paid the appropriate fees for each application and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius; the subject property has been posted; and the public hearing concerning the applications has been advertised pursuant to Section 30-139 (**Exhibit 4**) of the Town Code of Ordinances (the "Town Code"). Staff has received no comments from the public regarding this request. However, comments received by the applicant at the required Citizen Participation Meeting are included in the citizen participation summary provided by the applicant and attached to this memorandum.

The Property is a developed 0.445-acre parcel of land located within the RM-25 zoning district and has a future land use classification of Multi Family Residence (Medium –25 units / acre). The existing hotel on the Property was originally built in 1960. The applicant has now applied for Site Plan approval, a Variance and an Administrative Adjustment to redevelop the Property with a new three-story, 22-unit hotel, with a proposed density of 50 units per acre without kitchens with the below requests;

1. Site plan for new building at 4312 El Mar Drive

2. Administrative adjustment for reduced side yard setback (north) at 4312 El Mar Drive.
3. Variance for encroachment into the view corridor area at 4312 El Mar Drive. reducing the width to 10.8 feet where 13 feet is required consistent with the requested side yard setback adjustment.
4. Variances for reduced VUA buffer and parking within 5 feet of the Property line at 4312 El Mar Drive.
5. Approval of density redistribution and shared access plan across both sites (4308 El Mar Drive and 4312 El Mar Drive).

Public Participation

On August 18, 2025, the Applicant conducted a public participation meeting in accordance with the Town Code. A summary of the meeting is attached as **Exhibit 5** to this report. The applicant received public comments and subsequently agreed to a minor design modification, which involved the removal of the north-facing balconies.

Request #1- Site Plan 2023-SP-01- Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits –Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).

Site Plan Documents

This office has reviewed the documents submitted pursuant to the requirements of the Town’s Land Development Code. This review is based on the plans (the “Plans”) submitted by the Applicant’s architect, Austin Fox Architecture (**Exhibit 2**),

Review

The Plans were reviewed internally by Town Staff and its consultants. Comments are discussed below;

The Future Land Use category for the property is Medium High (25) Residential and the zoning is RM-25 (Apartments and Lodging). The proposed uses and density are consistent with the Future Land Use Plan and the zoning code. The code permits up to 25 residential units with kitchens or 25 hotel units with kitchen per acre and up to 50 hotel rooms without kitchen per acre. The applicant is proposing a three (3)-story 22-unit hotel (without kitchens), consistent with the Town’s density provisions.

Section 30-241 of the Town Code sets forth development regulations for the RM-25 zoning district. A summary of these requirements is outlined in **Table 1** below.

Table 1

Code Section	Required	Proposed	In Compliance
30-241 (c) Height	Max. 3 stories/33'	3 stories/ 33'	Yes
	Parapet walls, etc.: Max 37' or 4' higher than roof whichever is less	37'	Yes
	Elevator shaft: not included in height limit.	41'	Yes
30-241 (f) & (m) Minimum ground floor building area	1,200 s.f.	1,210 s.f.	Yes
30-241(g)	Rear (El Mar Dr.): 133.4 ft.	182.4'	Yes
30-241 (h) Setbacks	Front: 25 ft.	52.7'	Yes
	Side (South): 15.5' (10' up to 22' in height; 1' for each 2' in height over 22')	10.8'	Yes (Administrative Adjustment requested)
30-241 (j) Length of Building	Maximum Length 200'	129.8'	Yes
30-241 (l) Density	Min. lot area (units without kitchens): 871 s.f. per unit Total required lot area for 11 units without kitchens: 9,581 s.f.	19,404 s.f. (combined sf of lot 3 and lot 4)	Yes

Town Code requirements are further explained in the following narrative.

Architectural Review (30-51 and 30-122 (a)(15))

The Town's architectural review criteria and architectural review standards are set forth in Sections 30-122(a)(15) and 30-51 of the Town's code. The Town's Architect reviewed and commented on the design to ensure the provisions of the Town's Architectural standards had been met. Included in the evaluation was an Architectural Review (**Exhibit 6**) which was approved by the Town Architect. It should be noted that the proposed modifications made by the residents during the Citizen Participation meeting since the architectural approval do not affect the architecture of the proposed structure in such a way that requires re-review by the Town's architect.



Figure 2-Proposed Hotel

Height (Section 30-241)

Height is limited to 33' above normal grade level with elevator shafts or stairways excluded from this requirement. The Town's definition of normal grade refers the reader to the Town's definition for grade which is:

Grade.

- a. For the purpose of calculating building height or structure, grade level shall mean:
 1. The maximum height of buildings that are less than or equal to 33 feet in height shall be measured from whichever of the following three levels is highest:
 - i. Above grade, as defined in the Florida Building Code, or
 - ii. Above a horizontal plane 18 inches above the crown of the roadway at the highest point adjoining the property on which the building is located, or
 - iii. Above the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations.

2. The maximum height of buildings that are greater than 33 feet in height shall be measured from whichever of the following two levels is highest:
 - i. Above grade, as defined in the Florida Building Code, or
 - ii. Above a horizontal plane 18 inches above the crown of the roadway at the highest point adjoining the Property on which the building is located.
- b. For the purpose of calculating the height of fences and privacy walls, grade shall mean the actual elevation of the ground adjacent to the exterior face of such fence or privacy wall.

The Town charter further limits the height of roof structures, including parapet walls to 4' above the maximum allowed building height.

Consistent with the Requirements of the Code and Charter, the building is 33 feet in height at the roof level above this required minimum elevation. The parapets are 4 feet above the roof level and meet the Charter regulations. The elevator shaft currently extends to a height of 41 feet. Per section 7.1(1)(c), **(Exhibit 7)** the shaft used to enclose the elevator is not included in determining building height.

Setbacks (Section 30-241)

The Town Code requires a 25-foot front yard setback which applies to the Ocean Drive frontage. The side yard setback requirement is 10 feet up to 22 feet in building height, increased by 1 foot for every 2 feet of additional height yielding a 15.5-foot side setback requirement for the proposed 33' building **(Exhibit 8)**. The proposed site plan requests a 10.8 foot setback on the north side of the 182.4-foot building. As a result, an administrative adjustment is also being requested. The remainder of the building complies with the Town's minimum setback requirements.

Parking Requirements/Access (Sections 30-317, 30-318, 30-122, 30-323)

Section 30-318 **(Exhibit 9)** of the code sets forth parking requirements while Section 30-122 (a)(1) of the Town Code addresses site design standards related to parking and on-site circulation design. One (1) parking space is required for each hotel unit. Each lot currently maintains separate direct access to El Mar Drive, with its own parking and amenities. Each site provides 7 parking spaces. Under the proposed plan, the two buildings will share a single driveway connection to El Mar Drive, located slightly south of the existing connection and primarily situated on Lot 3. To facilitate this shared access, Lot 3 will undergo parking and landscaping modifications, creating one consolidated entrance.

Both sites are legally nonconforming with respect to parking. Lot 3 carries a vested 4-space parking deficiency for its originally approved 11 units. For the combined project, the total parking requirement of 22 spaces is reduced by this vested deficiency. To meet the remaining obligation, the applicant proposes to provide bicycle spaces and a low-speed vehicle as supplemental alternatives to traditional parking.

Potential Impacts to Adjacent Properties (Section 30-122)

Section 30-122(a)(15) (**Exhibit 10**) addresses potential impacts on adjacent development. The proposed building is taller than the existing building on the site. The proposed hotel is 22 units which is an increase of 2 units over the existing development. This small unit increase is anticipated to generate minimal additional traffic.

Landscaping (Sections 30-122, 30-475, 30-478, 30-481)

The total site pervious area meets the requirement of the Town's Landscape Code (Sec. 30-122(a)(11) (**Exhibit 11**). The number of trees proposed are well in excess of the minimum Town requirements. The plan complies with these requirements. Staff is suggesting a condition for the development order that allows flexibility in the final landscape plan in order to account for construction issues and availability of specific plant materials when planting occurs. However, in no instance will the landscape plan be allowed to fall below the code requirements. The absence of a landscape island for the eleven parking spaces along the northern perimeter was incorporated into the Administrative Adjustment request; however, this item will be resolved through Development Services and Town Commission approval as a condition of the site plan approval.

Fire

A review of the proposed project was conducted by the Fire Inspector and approval obtained (**Exhibit 12**).

Crime Prevention Through Environmental Design (CPTED)

The plans will be submitted to the Broward Sheriff's Office (BSO) for their review regarding CPTED principles and approval obtained.

Trash and Recycling

The plans were submitted to the Town's trash and recycling consultant for their review and approval obtained.

Engineering

The Town Engineer reviewed the site plan and comments are pending to be addressed (**Exhibit 13**). These comments have been included as a condition of the Development Order.

Request # 1- Summary Findings and Recommendations

Upon review of the Plans received on July 18, 2025 by Linda Strutt Consulting, Inc. and by Jay Flynn Engineering, minor revisions to the plan set are necessary, and outstanding comments from Jay Flynn Engineering are incorporated into the Development Order (**Exhibit 14**).

The proposed plans submitted by the Applicant are consistent with the Land Development Code and Town staff recommends approval of the site plans with the following conditions:

1. The Applicant shall obtain Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) Permit approval, as required, prior to issuance of any Building Permits. Civil and architectural plans shall demonstrate compliance with FDEP criteria, including clearly labeling the minimum Lowest Horizontal Structural Member (LHSM) and identifying the applicable FDEP 100-year storm elevation for this area. The plans shall be revised to reflect the required FDEP elevation standard,.
2. The Applicant shall obtain Broward County Traffic Engineering Division approval for all proposed striping located within the public right-of-way. Striping restoration shall be clearly depicted on the civil plans whenever pavement restoration is included. Proof of Broward County Traffic approval and updated plans shall be submitted to the Town prior to issuance of any Building Permits.
3. The Applicant shall obtain Broward County Surface Water Management approval, as required, prior to issuance of any Building Permits. Full drainage calculations shall be submitted demonstrating compliance with Broward County Surface Water Management criteria, and the approved calculations shall be reflected in the civil plans.
4. In accordance with Sec. 20-92 of the Town Code, all utilities serving the development shall be installed underground at the Developer's/Owner's cost. Existing overhead service lines shall be converted to underground facilities at the time of development or reconstruction, at the Developer's/Owner's cost. For substantial redevelopment or reconstruction, all utilities adjacent to and serving the site shall be converted to underground facilities, and all new utilities shall be installed underground, consistent with the Code requirements.
5. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4308 El Mar Drive and 4312 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in the public records of Broward County.
6. The Applicant shall provide written verification from the Town's solid waste vendor confirming acceptance of the proposed trash management plan, including location and method of service, prior to issuance of any Building Permits. No permits shall be issued until proof of an acceptable trash plan is submitted to and approved by the Town.
7. A landscape plan demonstrating compliance with the Town Code shall be submitted with the Building Permit application. Any tree removal or relocation shall require approval from Broward County prior to issuance of a Building Permit. The absence of a landscape island for the eleven parking spaces along the northern perimeter is acknowledged and is hereby waived as part of the Development Order approval.
8. No signs or fences are approved as part of this Development Order. Any proposed signage or fencing shall require submittal and approval under a separate permit application.
9. In the event the north-facing balconies are removed from the approved design, the Applicant shall submit revised architectural elevations reflecting the change

- for inclusion in the Town's official records. Updated elevations shall be provided prior to issuance of any Building Permits or Certificates of Occupancy, whichever occurs first following the design change.
10. The Applicant shall secure a building permit for the project within six (6) months of the date of the development order approval.
 11. The construction shall be in accordance with submitted plans **(Exhibit 1)**. Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code.
 12. The approved site 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 the 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 results in a violation of federal or state law.
 13. Prior to the 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 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.

Request 2: Variance 2024-V-01- Description: Pursuant to the requirements of Section 30-127, "Variances," the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the property located at 4312 El Mar Drive.

Review

The Applicant, Dylan Tannenbaum, is requesting a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the property located at 4312 El Mar Drive **(Exhibit 1)**.

The Applicant has paid the appropriate fee and submitted the required documents.

Notice was sent to all property owners within 300 feet of the subject property on August 22, 2025. The Property has been posted and the hearing has been advertised pursuant

to Section 30-139 of the Code of Ordinances. To date, we have not received any responses to the notice.

Description of the Existing Site

The Property, zoned RM-25, is located at 4312 El Mar Drive and is currently used as a hotel.

Background

The Applicant wishes to construct a new three-story hotel as part of a unified project with the adjacent hotel at 4308 El Mar Drive. Variances are requested for:

1. Reduction in the required View Corridor width and clearance,
2. Reduction in the Parking Setback from the interior (north) property line,
3. Reduction in the VUA Perimeter Landscaping buffer width.

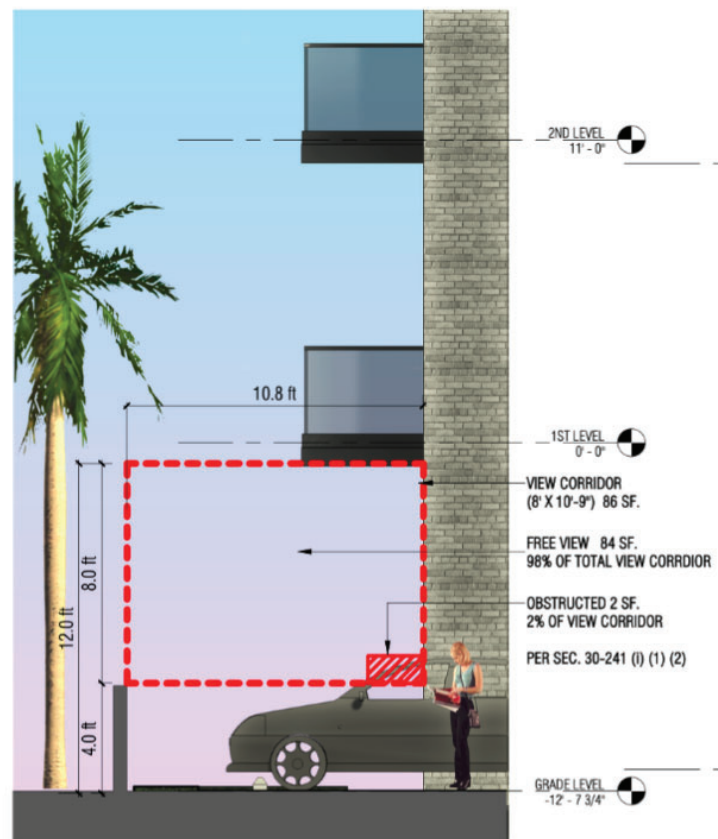


Figure 3- View Corridor Variance Request Illustration



Figure 4- Existing Conditions

The applicant requires variance approval to permit limited encroachment into the northern view corridor for vehicles parked along the property line. Existing obstructions in this corridor are already vested by prior site plan approval, and the proposed parking layout reduces those impacts.

To meet parking, setback, and access requirements, 11 spaces are proposed within 5 feet of the northern property line, and the VUA perimeter landscape buffer will be 2 inches less than code requires. Variances are therefore necessary to authorize these dimensional deviations. Figure 2 and 3 illustrate the applicant's requests.

Criteria and Analysis

Section 30-127 of the Town Code (**Exhibit 15**) provides that a variance application shall be evaluated by considering the following criteria. Please note that the Applicant's response is taken directly from the application. For the full narrative from the Applicant, please see **Exhibit 16**.

1. *Special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of such land, structure or building.*

Applicant statement: Lot 4 is constrained by its narrow width and adjacency to existing development, which limits compliance

with strict setback and view corridor requirements. The redevelopment replaces a 2-story nonconforming structure with a taller building that ultimately improves existing nonconformities, including enhanced landscaping and parking organization. The hardship arises from the existing lot dimensions and configuration, not from actions of the applicant.

Staff findings: The Property is located on El Mar Drive. Staff finds that special conditions and circumstances exist with respect to Lot 4 due to its narrow width and adjacency to existing development, which limit the ability to comply with strict setback and view corridor requirements. The Applicant's proposal to redevelop the site replaces an existing 2-story nonconforming structure with a taller building that improves upon current conditions, including enhanced landscaping and a more organized parking layout. The identified hardship stems from the lot's physical dimensions and configuration, rather than any actions of the applicant.

This criterion has been met.

2. *The circumstances which cause the hardship are peculiar to the property or to such a small number of properties that they clearly constitute a marked exception to other properties in the district.*

Applicant Statement: The constraints impacting Lot 4 are unique within this district. Few parcels in this zoning area are being redeveloped while maintaining compatibility with existing structures and unified development goals across multiple lots. The project's position between the street and ocean, coupled with existing nonconforming uses, creates conditions not broadly applicable to other parcels.

Staff Findings: Staff finds that the circumstances affecting Lot 4 are unique within this zoning district. Unlike most parcels, Lot 4 is being redeveloped in a manner that maintains compatibility with surrounding structures while also advancing unified development objectives across multiple lots. Its location between El Mar creates site-specific constraints that are not generally applicable to other properties in the area.

This criterion has been met.

3. *The literal interpretation of the provisions of the applicable regulation would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.*

Applicant Statement: Strict enforcement of the view corridor and setback requirements would render the current redevelopment infeasible. Literal interpretation would significantly reduce buildable area, disincentivizing investment and resulting in continued deterioration or underutilization of the site.

Relief is necessary to enable a functional and economically viable hotel development. The current structure is built only a few feet from the property

line with zero view corridor, helping elucidate just how tight this property is. Our new development would improve this issue tremendously by offering nearly a complete view corridor (only 2% obstructed vs. 100% obstructed) and a building built 10.8 feet from the property line.

Staff Findings: Staff finds that strict enforcement of the setback and view corridor requirements may render redevelopment of Lot 4 infeasible. Literal application of these provisions would substantially reduce the buildable area, discourage reinvestment and likely resulting in underutilization of the site. Relief is necessary to allow for a functional and economically viable hotel development. Importantly, the existing structure extends within only a few feet of the property line and provides no view corridor at all. The proposed redevelopment represents a significant improvement, providing a nearly unobstructed view corridor (98% clear) and establishing a building setback of 10.8 feet from the property line.

This criterion has been met.

4. *The hardship is not self-created or the result of mere disregard for, or ignorance of the provisions of the regulations.*

Applicant Statement: The nonconformities are inherited from existing conditions and site limitations, not the applicant's design choices. The project aims to modernize the site while reducing impacts on adjacent properties through thoughtful design, including the use of permeable turf block and improved landscaping buffers.

Staff Findings: Staff finds that the requested variances are not contrary to the public interest. The nonconformities are a result of existing site limitations and inherited conditions rather than design choices made by the applicant. The proposed redevelopment seeks to modernize the property while reducing impacts on neighboring parcels through thoughtful design measures. These include the introduction of permeable turf block for improved stormwater management and the enhancement of landscaping buffers to provide screening and visual relief. Overall, the project improves upon current conditions and advances compatibility with surrounding development.

This criterion has been met.

5. *The variance is the minimum variance that will make possible the reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the applicable zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Applicant Statement: All variances requested represent the minimum necessary to enable a reasonable redevelopment. We have spent over two years working on this plan to try and stay within the code as best as we can while still offering a finished product that helps serve the LBTS community and vacationers. The proposed hotel improves the site's aesthetics, function, and compliance with

zoning goals. The variances will not negatively impact neighboring properties or the public; instead, they reduce existing encroachments and improve view corridor transparency and circulation tremendously

Staff Findings: Staff finds that the requested variances represent the minimum necessary to enable reasonable redevelopment of Lot 4. The proposed hotel improves the aesthetics and functionality of the site.

The variance requests serve to reduce existing encroachments, improve circulation, and create a nearly unobstructed view corridor where none exists today.

This criterion has been met.

6. *The grant of the variance does not permit a use not generally permitted in the district involved or a use expressly or by implication prohibited by the terms of the regulations of the district in which the affected property lies.*

Applicant Statement: The variances do not allow any use not otherwise permitted in the district. The proposed hotel is an allowed use, and the variances only address dimensional standards necessary for compliance due to physical constraints

Staff Finding: Staff finds that the requested variances do not authorize any use not otherwise permitted within the zoning district. The proposed hotel is an allowable use under the code. The variances sought are limited to dimensional standards that are necessary to address the unique physical constraints of the property. As such, the relief requested is consistent with the intent of the zoning regulations and does not expand the scope of permitted uses.

This criterion has been met.

7. *Financial hardship is not a basis for granting a variance unless the failure to grant the variance will render the property unusable as a permitted use in the zoning district in which the property lies.*

Applicant Statement: This request is not based on financial hardship. However, without these variances, the property becomes functionally unbuildable under current code, which undermines its permitted use within the zoning district.

Staff Finding: Staff finds that this request is not predicated on financial hardship. Rather, the need for variances arises from the physical constraints of the property. Without the requested relief, redevelopment of the lot would undermine the ability to realize the hotel use that is otherwise permitted within the zoning district. The hardship is therefore directly tied to the site's dimensional limitations and not to economic considerations

This criteria has been met.

Request # 2- Summary Findings and Recommendations

STAFF RECOMMENDATIONS:

The Board has the following options:

1. Recommend approval of the Variance to the Town Commission;
2. Recommend approval of the Variance to the Town Commission with conditions;
or
3. Recommend denial of the Variance to the Town Commission.

Staff believes that the granting of the variance is justified based on the requirements of the Town Code and recommends **APPROVAL**. The criteria to grant the request have been met.

Should the Board recommend approval of the request to the Town Commission, staff recommends the following conditions of approval (**Exhibit 17**):

1. All applicable state and federal permits shall be obtained before commencement of construction.
2. 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. A building permit will not be issued until all outstanding debts to the Town are paid in full.

Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, "Unified Land Development Regulations," Article IV, "Development Permits – Applications, Requirements and Review Procedures," Division 4, "Adjustments To The Code – Procedures And Requirements," Section 30-128, "Administrative Adjustments," of the Town's Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), "Side Setbacks," of the Town's Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

Background and Request

The proposed building maintains a front yard setback from El Mar Drive that exceeds the maximum of 35 feet but remains consistent with the alignment of the existing structure. On the north side, the code requires a 15.5-foot setback for a 33-foot building. The applicant is requesting a 30% administrative adjustment to this side yard requirement to 10.8 feet, which also reduces the width of the view corridor.

Administrative Adjustments

Section 30-128 (**Exhibit 18**) of the Town Code 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	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment	4312 El Mar Drive
Setbacks	n/a	30% or 5 feet, whichever is less	4.7 foot encroachment request where 30% of the 5 foot required setback is 15.5'

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 applicant is requesting a 30% reduction in the required northern side yard setback for the proposed redevelopment of Lot 4 (4308 El Mar Drive) in the RM-25 zoning district. Per Section 30-241(h)(6) of the Town of Lauderdale-By-The-Sea's zoning code:

- Required setback (based on 33 ft building height): 15.5 feet
- Proposed setback: 10.8 feet (minimum)
- Requested reduction: 4.7 feet (30% of required setback)
- Length of building affected: 25.0 feet out of the total 55.5 feet north façade, or approximately 45%. This request stays within the allowed limits of the Administrative Adjustment Level 2 process, both in percentage of reduction and in affected façade area.

While the applicant owns the adjacent property (Lot 3 at 4308 El Mar Drive), which is currently a legally nonconforming hotel, this request applies solely to Lot 4. The new hotel on Lot 4 will be a standalone building but function operationally as part of a unified hotel complex with Lot 3.

Staff response: The criterion has been met. The request does not result in an increase in allowable density.

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

Applicant response: The building does not provide for building height that exceeds the zoning code standards.

Staff response: The criterion has been met. The proposed building is three stories and 33 feet in height. In accordance with Town Code and Charter provisions, the parapet wall exceeds the 33-foot height limitation by 4 feet, which is permitted. The elevator shaft is excluded from height calculations, resulting in a total building height of 41 feet.

Code Section	Required	Proposed	In Compliance
30-241 (c) Height	Max. 3 stories/33'	3 stories/ 33'	Yes
	Parapet walls, etc.: Max 37' or 4' higher than roof whichever is less	37'	Yes
	Elevator shaft: not included in height limit.	41'	Yes

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.

Staff response: The criterion has been met.

- 4.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 narrow site width and relationship to the adjacent nonconforming structure necessitate flexible site planning. The adjustment promotes a cohesive and efficient layout while respecting the zoning envelope and streetscape. Due to the small size of the lot, we are forced to get creative with the footprint of the building in order to fit everything we know we need for our future guests at Ocean Treasure. We have been fortunate over the last six years to learn about the needs of the average LBTS vacationer, and feel this plan adequately serves each and every one them.

Staff response: The criterion has been met.

- 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

Applicant Response: The proposed project supports mid-century architecture.

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.

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

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 has been met.

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

Applicant response: The request is not incompatible with the character of the development in the surrounding area and will not result in incompatible uses.

Staff response: The criterion has been met.

7.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 with this adjustment.

Staff response: The criterion has been met. The existing view corridor will be expanded with approval of the applicant's request.

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

Applicant response: This administrative adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Request # 3- Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff does recommends approval of the Level 2 Administrative Adjustment. If approved, staff recommends approval of the Level 2 Administrative Adjustment with the following conditions (**Exhibit 19- Development Order**):

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

Procedure

Following the Planning and Zoning Board's review and recommendations on each application, staff will schedule the Commission review of the application on October 14, 2025.

(a) *Purpose.* The purpose of this section is to:

- (1) Provide for minimum standards for consideration of variance applications;
- (2) Provide for an orderly system of review of application for variances from the effect of zoning regulations on property within the Town in order to accord the owners and users of such property with the due process of law guaranteed by the Constitution of the United States of America and the State of Florida; and
- (3) Provide for a set of procedures and standards to guide the DSD, Planning and Zoning Board and Town Commission in the review of an application for variance and the approval or denial thereof.

(b) *Application.* Application shall be made as provided in section 30-112.

(c) *Recommendations of the Planning and Zoning Board.*

- (1) The Planning and Zoning Board shall review applications for variances from the Town's Land Development Regulations in accordance with the procedures set forth in article IV, division 1 of this chapter.
- (2) After receiving all relevant materials and information, the Planning and Zoning Board recommendation shall be by vote of a simple majority of the quorum present and voting.
- (3) Decisions of the Planning and Zoning Board are advisory to the Town Commission.
- (4) A recommendation for approval by the Planning and Zoning Board confers no legal right to the applicant in the absence of subsequent approval by the Town Commission.

(d) *Action by Town Commission.*

- (1) The Town Commission shall make express findings on the elements necessary for the granting of a variance as provided in subsection (e) below.
- (2) The decision of the Town Commission is not final until the filing of a development order with the Town Clerk which shall be recorded in the official records of Broward County.

(e) *Criteria for considering an "application for a variance."* In considering an application for a variance, an application shall be evaluated by considering the following criteria:

- (1) Special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of such land, structure or building.
- (2) The circumstances which cause the hardship are peculiar to the property or to such a small number of properties that they clearly constitute a marked exception to other properties in the district.
- (3) The literal interpretation of the provisions of the applicable regulation would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.
- (4) The hardship is not self-created or the result of mere disregard for, or ignorance of the provisions of the regulations.
- (5) The variance is the minimum variance that will make possible the reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the applicable zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (6) The grant of the variance does not permit a use not generally permitted in the district involved or a use expressly or by implication prohibited by the terms of the regulations of the district in which the affected property lies.
- (7) Financial hardship is not a basis for granting a variance unless the failure to grant the variance will render the property unusable as a permitted use in the zoning district in which the property lies.

(f) *Duration.*

- (1) Such rights and privileges shall be terminated at such time as designated in the conditions of the approval of the variance, or upon any interruption or cessation of the use permitted by the variance for one year or more.
- (2)

The Town shall have continuing jurisdiction over all variances and may revoke, modify or suspend the approval of the variance, after a public hearing before the Town Commission and notice given in the same manner as required for approval of a variance under article IV, division 9 of this chapter, under the following conditions:

- a. The variance was obtained by fraud or misrepresentation:
- b. The variance has been exercised contrary to the conditions of its approval; or
- c. The exception permitted by the variance has been exercised so as to be detrimental to the public health, safety or welfare, so as to constitute a nuisance.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2020-08, § 4, 10-13-2020)



New Hotel Project

4308 + 4312 El Mar Drive

Lauderdale By-The-Sea, FL 33308

Citizen Participation Meeting Summary on August 18, 2025

Table of Contents

Application and Development Summary (page 3)

Project Summary (page 4)

Participation Meeting Summary (page 5)

Attendees List (page 6)

Community Member Comments (pages 7-9)

Appendix (page 10)

Notice of Meeting (page 11)

Project Presentation with Renderings (pages 12-25)

Application and Development Summary

Project Summary

The proposed new hotel development is located at 4312 El Mar Drive, Lauderdale By-The-Sea, Florida 33308 and will be combined with the current Ocean Treasure located next door at 4308 El Mar Drive. The two lots allow for a density of 22 total units, which allows us to build 13 new units since Ocean Treasure will have 9 if this development gets approved. This project would entail demolishing the current Courtyard Villa hotel and putting in its place a beautiful 3-story hotel that would match the aesthetics of Ocean Treasure and the surrounding town. The plan is to combine the two plots with a unity of title and make it all one property under the same name of Ocean Treasure. We have built a great reputation over the last 5 and half years with Ocean Treasure and hope to expand on that with this new development.

With this new development comes some important improvements to the town and surrounding areas. The current parking situation at both hotels does not meet current code, as it is all back-out parking that goes directly over the busy El Mar sidewalk and into El Mar Drive. Our new plan combines the parking on both properties so that we no longer have back-out parking, with enough space to offer two lanes so that cars can come and go as they please. We are also expanding on the view corridor as the current Courtyard Villa has zero view corridor as it stands today. The new development will have a 97% increase in its view corridor, with only a small bit of it taken up by the front of vehicles. We are proud of this new design and think that the entire town of Lauderdale By-The-Sea will be too as it enhances the most dilapidated building in the town and transforms it into a gorgeous new 3-story development that matches the midcentury modern aesthetics that makes the town so unique and beloved.

Citizen Participation Meeting Summary

The Citizen Participation meeting was held on Monday August 18, 2025, at 6:00pm in Jarvis Hall located at 4505 N. Ocean Drive in Lauderdale By-The-Sea, FL 33308. The meeting was successful in assisting the townspeople in understanding how the new development would impact the surrounding neighborhood.

The meeting lasted approximately an hour and we were able to discuss important issues that some people had, and we were able to find a good solution to alleviate each issue.

Attendees List

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

Meeting Attendees:

1. Rich Hilchey
2. Dorothy Siebert
3. Diane Kanell
4. Megan Slade

Community Member Comments

Mr. Rich Hilchey is a resident of Oriana at Lauderdale located at 4316 El Mar Drive which is a direct neighbor to 4312 El Mar Drive. He had two issues to address:

1. The resident's first issue was with the balconies facing his unit on the North side of the proposed development. He asked if we could get rid of the portion of the balcony that faced his unit.

Applicant Response:

We think this request is completely reasonable and have decided to remove the portion of the balcony that faces North, so that now the balcony only faces East towards the ocean. This will completely alleviate Mr. Hilchey's issue.

2. The resident's second issue was with the electric pole located on the sidewalk between our two plots. He requested that we remove the pole and bring the power underground so that the sidewalk area would look better for residents and pedestrians.

Applicant Response:

We will work hard to remove this electric pole, and we are required to bring the power underground anyway as LBTS code requires us to do so. That being said, the pole is owned by FPL and ultimately the decision to remove the pole or not is entirely up to them. We agree that we want this pole gone, and hope that there are no reasons why the pole must stay even after bringing our power underground. We will have to follow FPL's decision on this, so I cannot promise that the pole will be removed.

Community Member Comments Cont.

Dorothy Siebert is another resident of Oriana at Lauderdale who had one issue to address with us:

1. Her issue was to request that the electric pole be removed as Mr. Hilchey requested earlier. She just wanted to emphasize her desire that the pole be removed.

Applicant Response:

Please refer to our previous response to Mr. Hilchey. Ultimately the removal of the pole is up to FPL, but we will push hard to get it removed as we bring our power underground.

Community Member Comments Cont.

Megan Slade is the property manager of Oriana at Lauderdale and she had three issues to address with us.

1. Ms. Slade's first issue was similar to Mr. Hilchey's in that she wants us to remove the North facing portions of the proposed balconies so that they only face East.

Applicant Response:

To reiterate, we think this request is completely reasonable and have decided to remove the portion of the balcony that faces North, so that now the balcony only faces East towards the ocean. This will completely alleviate Ms. Locay's issue.

2. Ms. Slade's second issue also pertains to these balconies. She requested that a covering of sorts be placed in front of the window facing the North so that our guests could not look into the Oriana units next to us.

Applicant Response:

As a result of removing the portion of the balcony that faced North, there is no way to add the slats we used to create privacy on our other balconies without completely covering the views from the window. We feel that we have mitigated the issue as much as possible so that our guests do not see freely into the neighboring units at Oriana, but we still want them to enjoy the ocean views to the North and be able to see the pier. We also need the window on the North corner of the property to allow for more natural light in the unit.

3. Ms. Slade's third issue pertains to the parking along the perimeter of the building. She would like us to have a hedge of some sort to block the car lights so that when they park they do not disturb Oriana residents next door.

Applicant Response:

This is another completely reasonable request and we will work hard to make sure that the car lights are covered from being seen by our neighbor. We will work with the town to find the best way to do so by finding the right landscaping or fencing needed to cover the lights.

Appendix

Notice of Meeting

**CITIZEN
PARTICIPATION
MEETING**

CASE: 2023-SP-01

APPLICANT: Dylan Tannenbaum

ADDRESS: 4312 EL Mar Drive

REQUEST: Applicant has requested Site Plan
Approval to demolish an existing 2 Story hotel &
Construct a new 3 story hotel containing 22 units

Date: 08/18/2025

Time: 6:00pm

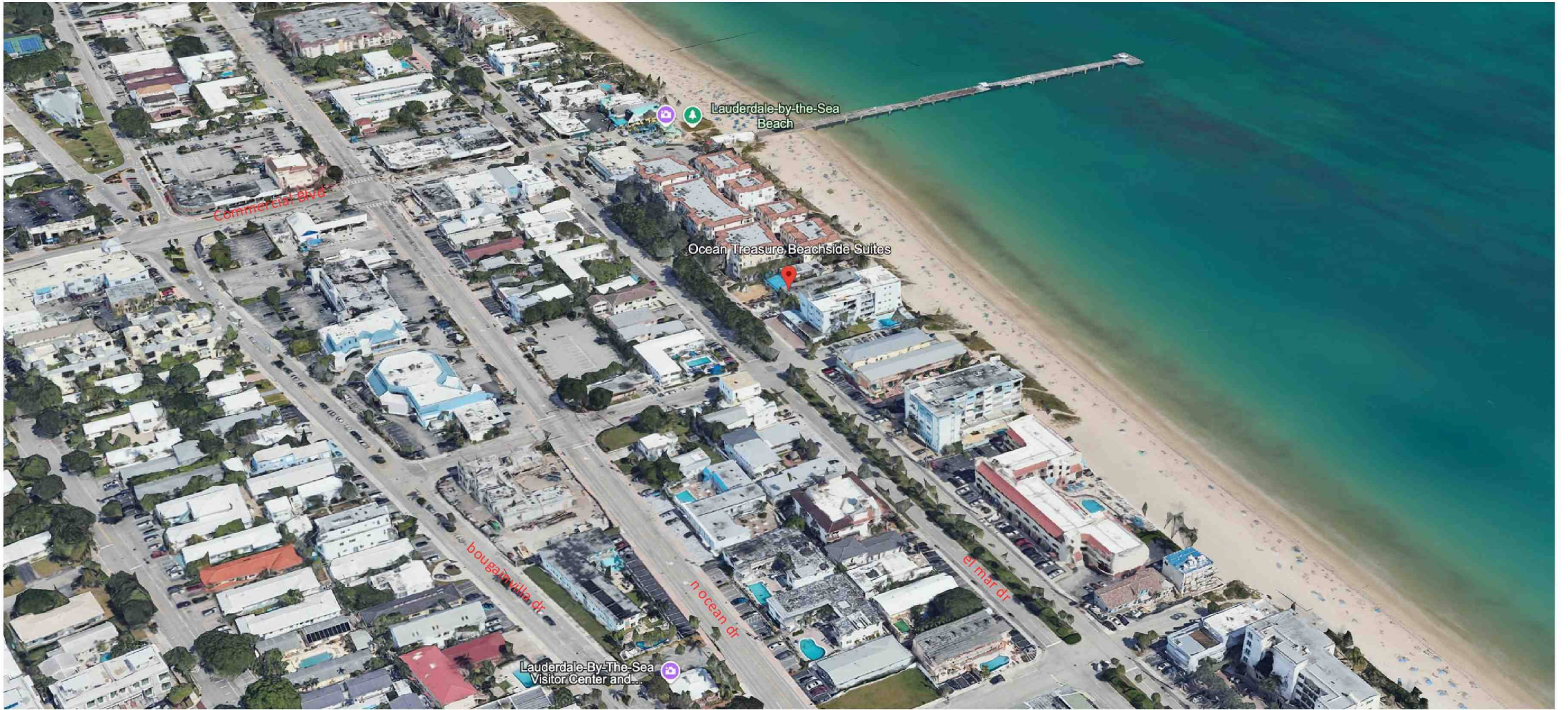
Location: Jarvis Hall, 4505 N Ocean
Drive, Lauderdale-By-The-Sea

Project Presentation With Renderings

Ocean Treasure

4308 + 4312 El Mar Dr
Lauderdale By The Sea, FL
33308



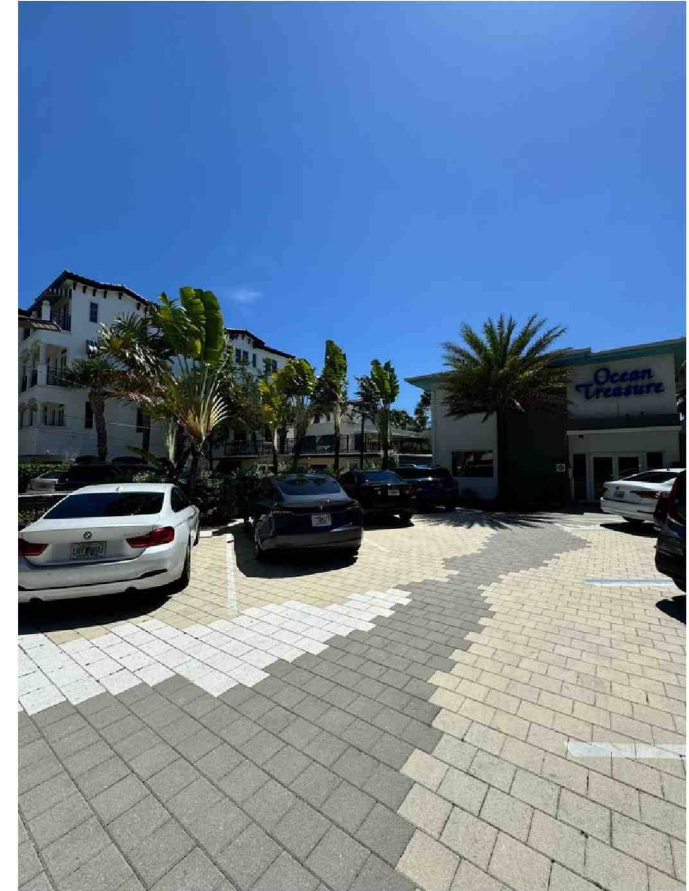




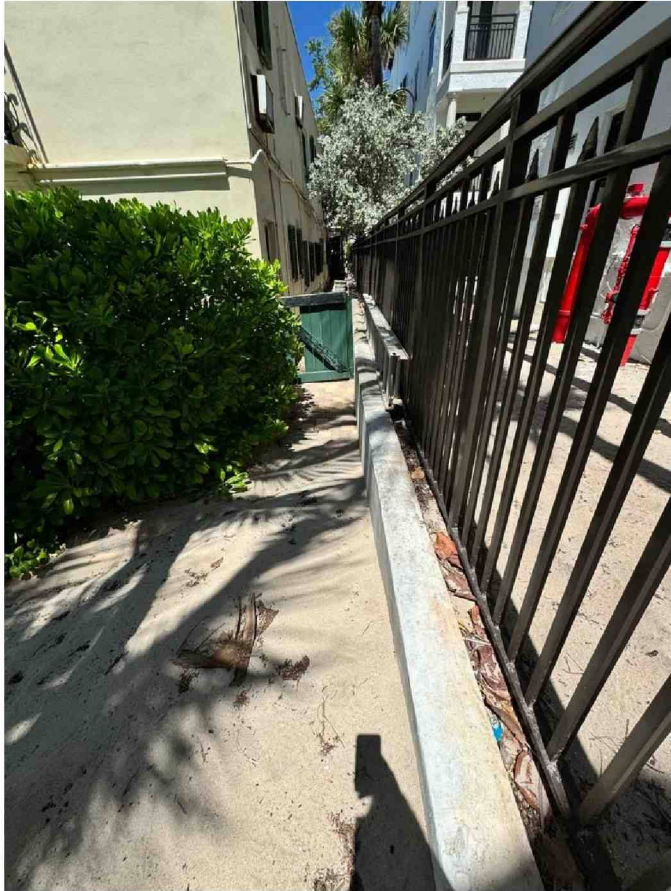
Existing
View Corridor(Front)



Existing
Front view



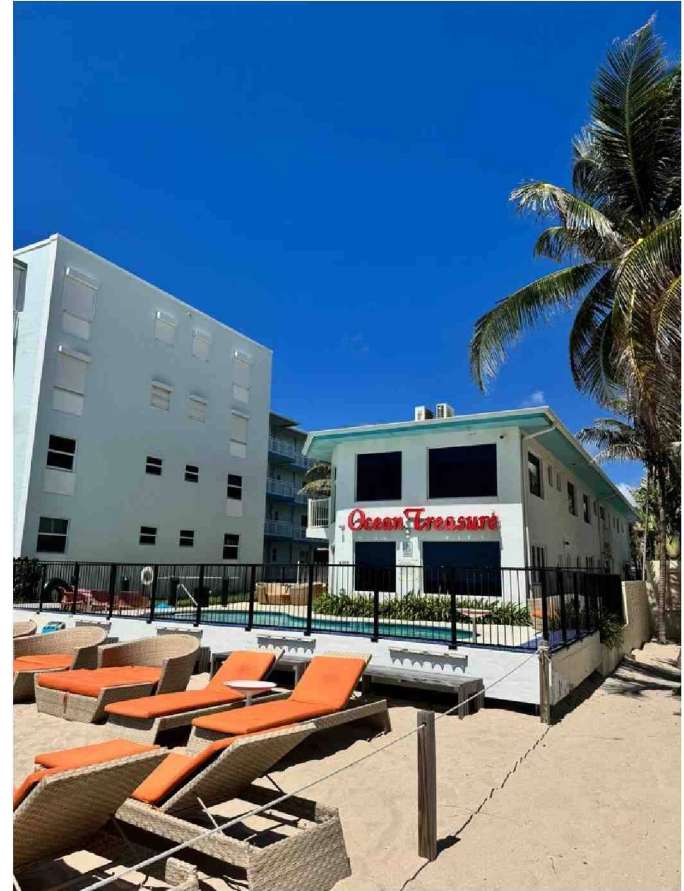
Existing
Front view



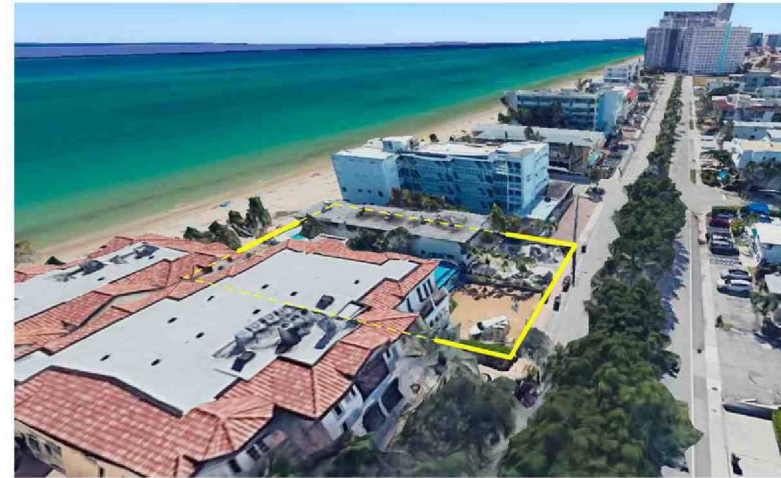
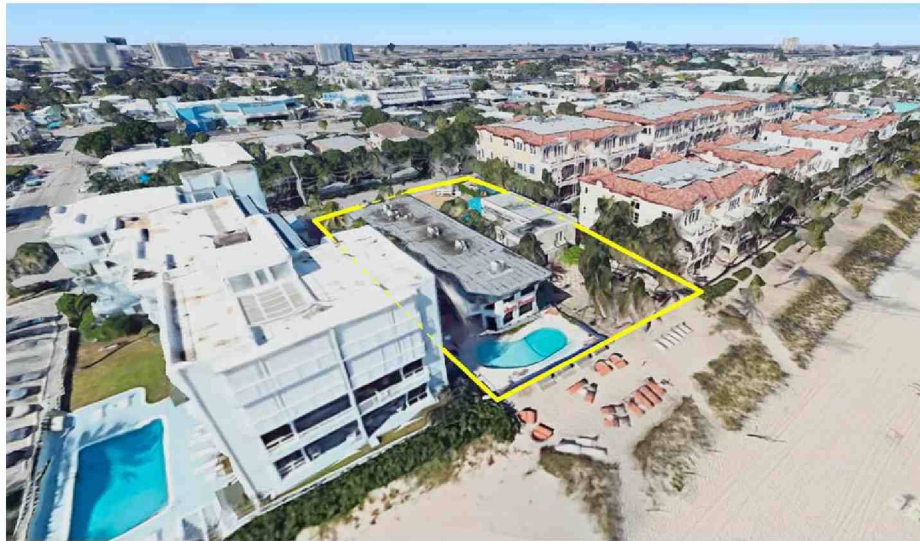
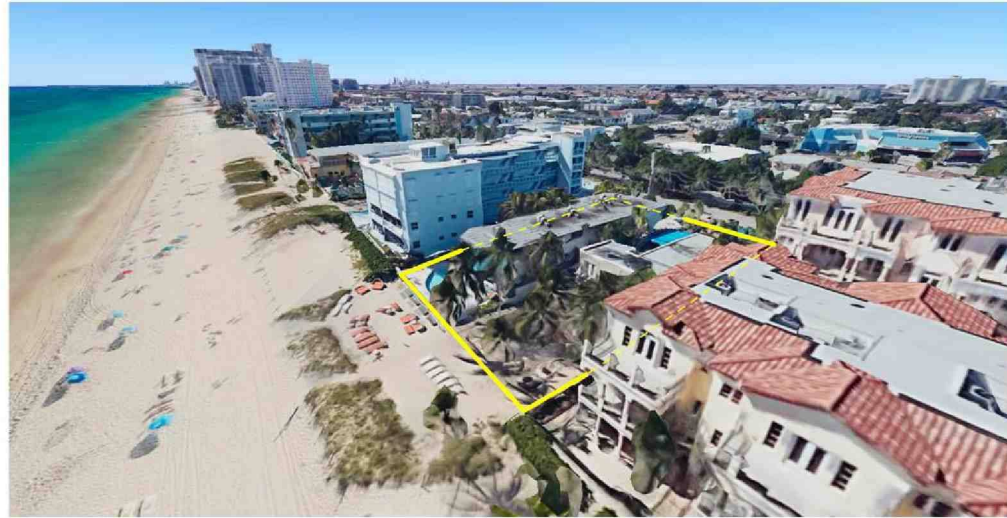
Existing
View Corridor(Rear)



Existing
Rear view



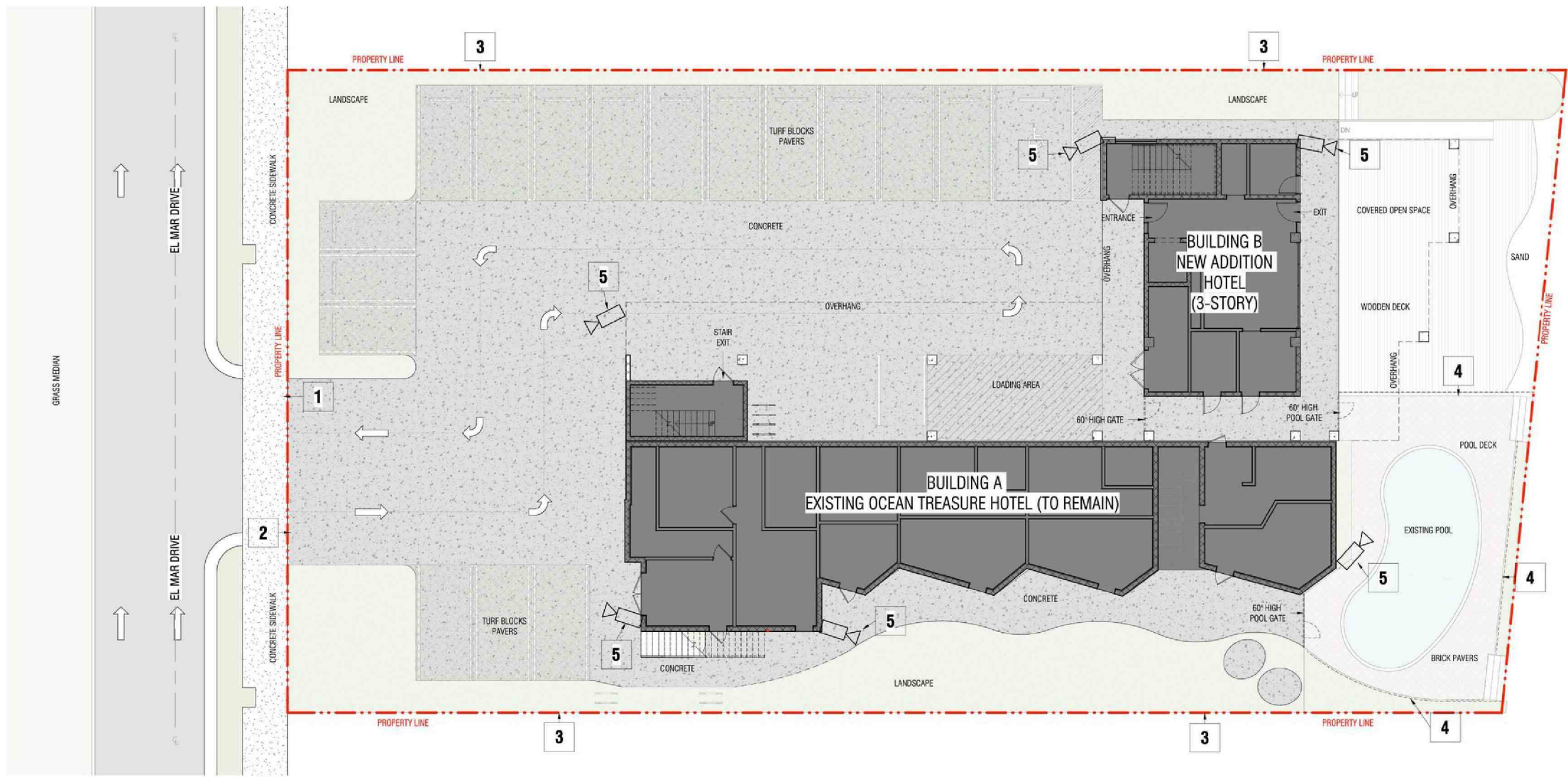
Existing
Rear view



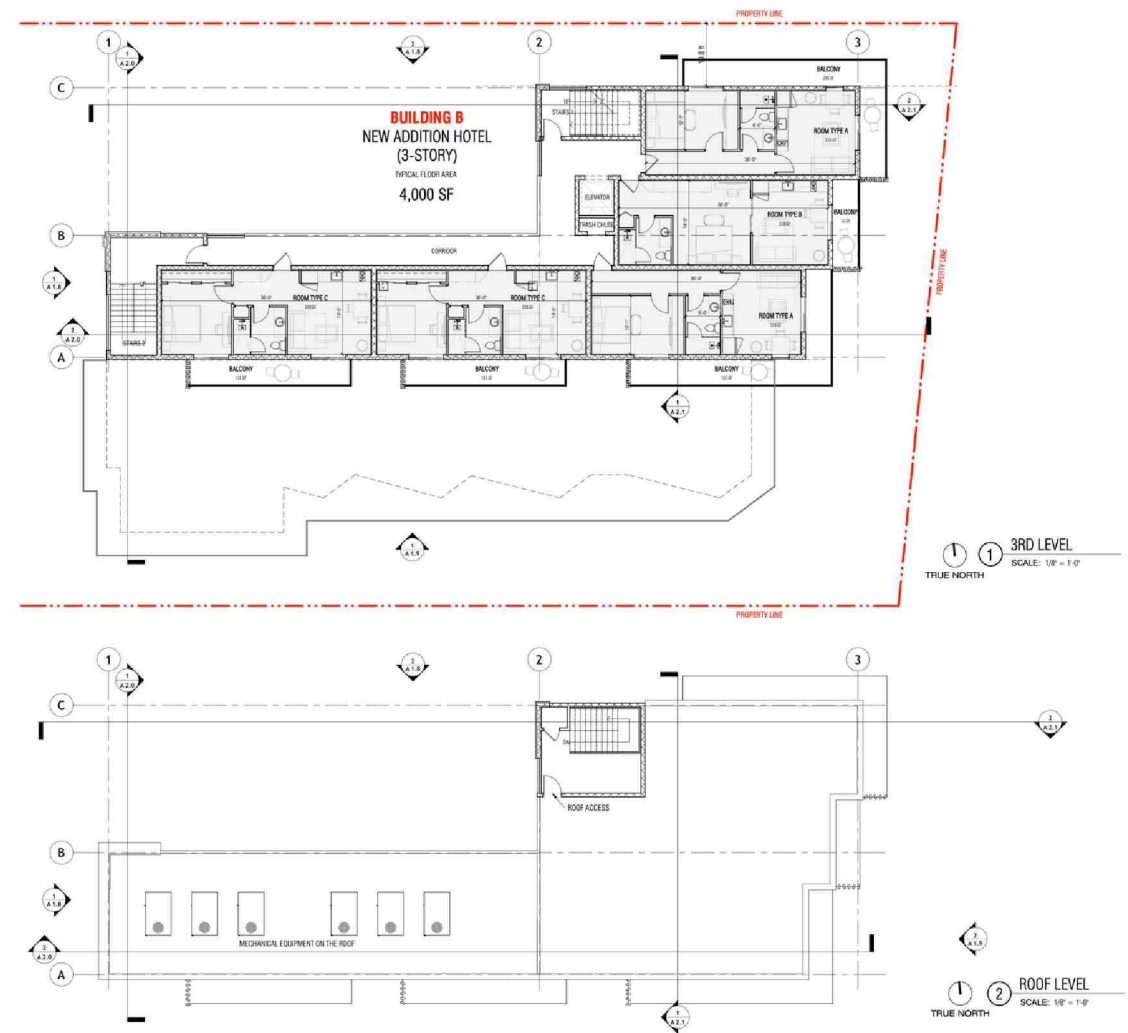
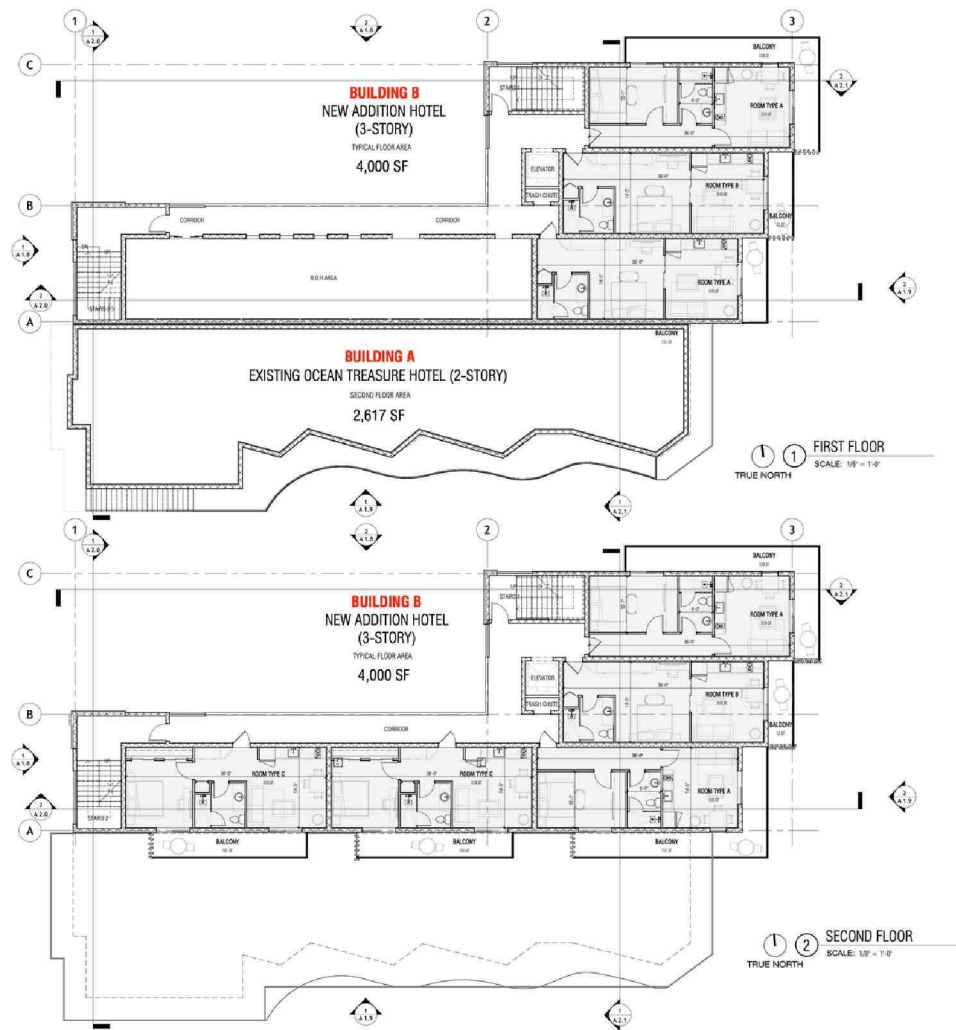
① AREAL VIEWS
SCALE: 1/8" = 1'-0"

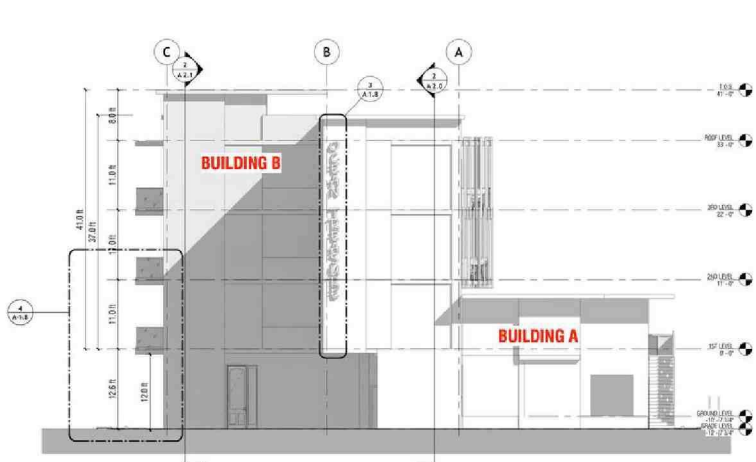




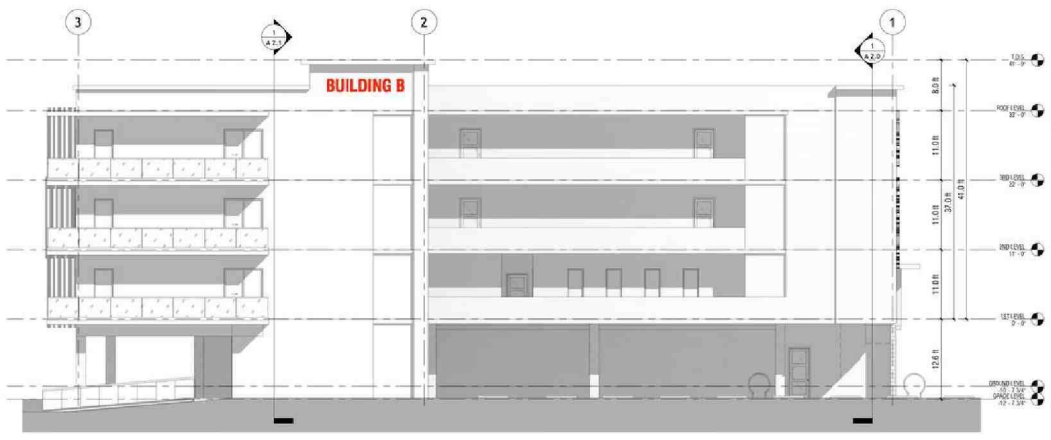


Ground Floor Plan

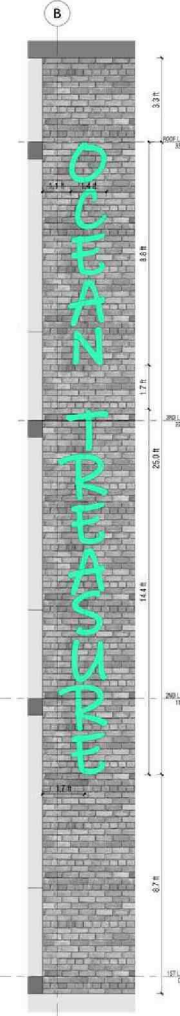




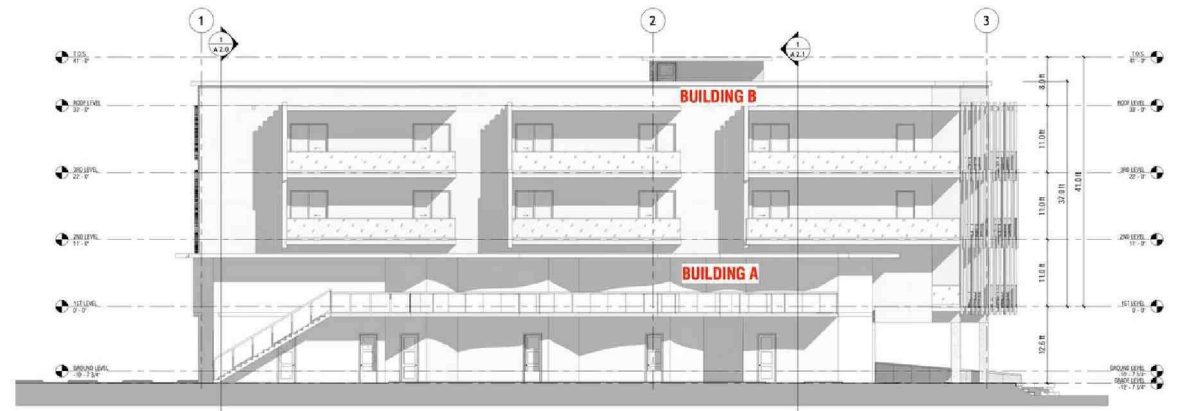
① WEST ELEVATION
SCALE: 1/8" = 1'-0"



② NORTH ELEVATION
SCALE: 1/8" = 1'-0"



③ SIGN LOGO
SCALE: 1/2" = 1'-0"



① SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



② EAST ELEVATION
SCALE: 1/8" = 1'-0"





Renderings

08-18-25
Page 435 of 456



Renderings

08-18-25
Page 436 of 456









APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, September 3, 2025**

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 6:04PM.

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, Board Members Ron Piersante, Leslie Richardson, Jeff Goldman, and MaShawn Simpson. The Chair briefly reviewed the responsibilities of the board members and the cadence of the meetings. Present in person were Town Attorney James White, Town Attorney Judelande Jeune, Development Services Director Jhanelle Campbell, Assistant Development Services Director David Lee, 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

Board Member Piersante made a motion to approve the (corrected) P&Z Minutes of September 4, 2024 as written. The motion was seconded by Board Member Richardson. The motion to approve carried 5-0.

b. Planning & Zoning (P&Z) Meeting Minutes – July 10, 2025

Board Member Richardson made a motion to approve the P&Z Minutes of July 10, 2025 as written. The motion was seconded by Board Member Piersante. The motion to approve carried 5-0.

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for any comments for any item not on the agenda. She closed this agenda item as there were no requests from the public to speak.

5. NEW BUSINESS

5.A. Request #1

Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).

Development Services Director (DSD) Jhanelle Campbell asked if all three request items could be read into the record as she would be presenting all three in one presentation but the vote at the end of the presentation would be separate for each of the three requests. The Chair then read Request #2 and Request #3 into the record.

Request #2:

Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, “Variances,” the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30- 122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.

Request #3:

Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments To The Code – Procedures And Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.

Development Services Director (DSD) Campbell presented the three requests for 4312 El Mar Drive. The first request was to demolish the existing two-story hotel (Courtyard Hotel) and replace it with a newly constructed three-story hotel with 22-units (without kitchens). It would be connected to an existing hotel (Ocean Treasure) located at 4308 El Mar Drive (Lot 3). The proposed project would combine the two adjacent lots creating a two-building hotel project resulting in shared access for parking and amenities between the two buildings with the new building on Lot 4 (4312 El Mar Drive). Lot 3 currently has nine units but its square footage would allow for eleven units and the DSD explained the math regarding how it was determined that 4312 El Mar Drive could have 22-units without kitchens.

The Site Plan (SP) would be reviewed tonight for the rebuilding and the Administrative Adjustment (AA) would be reviewed tonight for the reduced side yard setback. The three requests would be voted on separately with the AA voted on before the SP because the AA needed to be approved in order to approve the SP to move forward as proposed.

The DSD showed a slide depicting where the proposed hotel project would be located and explained that the applicant held a public participation meeting according to Town Code. She described the changes made to the development order regarding removing the balconies on the northern facing portion of the property and regarding the fence. She spoke about reconfiguring two parking lots for shared access because both lots presently have separate access drives, parking, and amenities. Parking and landscaping modifications were included in the applicant’s request. Both sites are nonconforming for parking but deficiency could be reduced with things like bicycle parking. The Site Data Table in the packet showed that what was proposed was in line with the Town Code. She summarized that there were three points for approval: The Site Plan, the Variance, and the Administrative Adjustment. The DSD spoke about the existing conditions and limitations but explained how the proposed development would improve the conditions of the lot overall.

DSD Campbell showed a slide that explained the View Corridor and Setback Analysis and she discussed the Variance for (1) a reduction in the required view corridor width and clearance, (2) a reduced parking setback along the northern boundary, and (3) a minor reduction in the required VUA perimeter landscape buffer. She explained the criteria for a variance. Staff believed the applicant met the criteria for a variance recommendation of approval as requested. She spoke about the Administrative Adjustment for the northern setback and said that Staff determined that the criteria for the Level 2 Administrative Adjustment have been satisfied, justifying the 30% reduction in side yard setback. Architectural Review was also conducted and an approval was obtained. Overall, Staff was recommending approval of all three requests. The DSD stated

that each development order had several conditions and that was also in the packet. One condition was removed because the DSD obtained renderings regarding the balconies on the northern facing portion of the property. After tonight's review, the project would go to the Town Commission on October 14th. She called for board member questions/comments.

Board Member Goldman commented that there was a lot of stuff to read in the packet but Staff made it easy for non/engineers and non/builders to understand. He asked about the bottom level not being livable and just used for parking of cars and that area was not counted towards the height of the building. Board Member Piersante asked about Oriana (condo) inquiring about the parking lights for the new project. The DSD said that they would review this as part of the permit process to ensure the lighting did not create light pollution for the adjacent property. As there were no other board questions, the DSD said the owner (Dylan Tannenbaum) and the architect (Austin Fox) were here if the board wanted them to give their presentation or to ask them questions. Board Member Piersante said that the project looked really good. As there were no board questions, the Chair called for public comments.

Rich Hilchey, resident, said where he lived overlooked the project and he participated in the citizen's meeting. He felt that the balconies were a big win for everyone. His second comment was on the view corridor because 80% of the parking was there. He spoke about his full-sized SUV and used that as an example that the language in this View Corridor Variance stated 98% but it should be modified to reflect bigger cars and use instead 80% to 85%. He thought that the language should be modified otherwise only standard vehicles could park there. DSD Campbell answered that the percentage was only an illustration of what would be obstructed. Chair Sylvester asked if an SUV would be able to fit there and she was answered that an SUV should be able to fit there. The owner, Dylan Tannenbaum, said these were standard parking spots. Board Member Richardson said there was no view corridor now, so this was as adequate as it could be made.

John Nicholson, resident, board member and general counsel for Winter Colony, was in attendance with his wife and another resident, Nelson Tetreault. Their concern was that the 22 units and existing units at Ocean Treasure would create overcrowding of the existing pool and excessive noise. It was already noisy now. They were requesting at a minimum a six-foot solid fence to be erected between Winter Colony and Ocean Treasure by the pool for noise abatement and visual purposes. They were requesting to know the pool hours and would like the pool closed at 10:00PM and open at 9:00AM, the same as their pool hours. He felt the noise with those 22 units would be unbearable and their requests were coming from reasonable neighbors. The Chair asked about the number of units now and DSD Campbell said the Ocean Treasure had 9 existing units now and through the unification of the two lots, the total units would be 22. It would not be 22 additional units. It would be 22 units total which equaled 13 additional units. She further stated that per Code, a solid fence could not be installed in that location. The applicant, Mr. Tannenbaum, said they did allow Courtyard use of the pool so there have been 19 units using the pool now. Their pool hours were dawn to dusk and they did enforce an 8:00AM to 7:00PM time window. The code was dawn to dusk and with the new hotel, there would be night staff. Discussion ensued and John Nicholson came back to the podium. He did not know that a solid fence was not allowed by code but maybe change their request to a six foot noise abatement PVC fence or anything that would give noise abatement. Mr. Nicholson was glad to learn that it would only be an additional 13 units and not 22. They were not opposing but just wanted to be a good neighbor and ask for the pool hour sign to be located in a more conspicuous space. He was also glad to learn that there would be night staff on duty with the new hotel. The Chair complimented that everyone just wanted to be good neighbors and suggested getting each other's phone number.

Dorothy Seibert, resident, said that she wanted to thank everyone involved with taking away the side balconies. The developer and the architect have listened to the surrounding neighbors and made adjustments based on what was said. Ms. Seibert was answered about the fence by the DSD and Ms. Seibert then asked about the landscaping and the DSD answered. She explained about the distance between shade

and non-shade trees and hedges. Ms. Seibert thanked everyone involved in this project. As there were no further public comments, the Chair closed public comments. Motions would be made now starting with Request #2, then Request #3 and then Request #1.

Board Member Goldman made a motion to approve Variance 2024-V-01 (Request #2) as Staff recommended. The motion was seconded by Board Member Richardson. The motion to approve carried 5-0.

Board Member Piersante made a motion to approve Level 2 Administrative Adjustment 2024-LVL2-AA-01 (Request #3) as Staff recommended. The motion was seconded by Board Member Richardson. The motion to approve carried 5-0.

The Chair commented that this project would be beautiful.

Board Member Goldman made a motion to approve Site Plan 2023-SP-01 (Request #1) as Staff recommended. The motion was seconded by Board Member Richardson. The motion to approve carried 5-0.

Board Member Piersante thanked Development Services Director Campbell on the great job she did putting this presentation together. He further commended the developer and his team for their consideration of the L-B-T-S neighbors surrounding this new project. DSD Campbell reminded that this would go in front of the Town Commission October 14th.

6. OLD BUSINESS

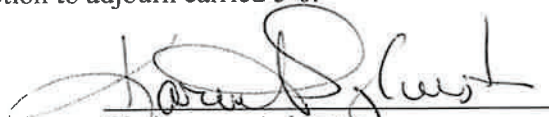
The Chair did not think they were ready to discuss generators for new construction yet. DSD Campbell said she had a list she was putting together of several items to bring before the Town Commission including generators for new construction and would then come before this board with the list of items.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Board Member Piersante made a motion to adjourn at approximately 6:42PM. The motion was seconded by Board Member Richardson. The motion to adjourn carried 5-0.


Chair Karen Sylvester

ATTEST:

Date Accepted: 10/1/25



**SITE PLAN DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2023-SP-01**

PROJECT NAME: Ocean Treasure f/k/a Courtyard Hotel

ADDRESS OF PROPERTY: 4312 El Mar Drive

FOLIO #: 494318010190

PROPERTY OWNER: OCEAN TREASURE COURTYARD LLC

APPLICANT: Dylan Tannenbaum

APPLICANT ADDRESS: 4308 El Mar Drive, Lauderdale-By-The-Sea, FL 33308

REQUEST: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits –Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 Story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on October 14, 2025, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the Applicant, and the recommendation of the TOWN Planning and Zoning Board and TOWN Staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a Site Plan is hereby approved as shown on the Site Plan submitted by the Applicant, attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

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

1. The Applicant shall obtain Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) Permit approval, as required, prior to issuance of any Building Permits. Civil and architectural plans shall demonstrate compliance with FDEP criteria, including clearly labeling the minimum Lowest Horizontal Structural Member (LHSM) and identifying the applicable FDEP 100-year storm elevation for this area. The plans shall be revised to reflect the required FDEP elevation standard.
2. The Applicant shall obtain Broward County Traffic Engineering Division approval for all proposed striping located within the public right-of-way. Striping restoration shall be clearly depicted on the civil plans whenever pavement restoration is included. Proof of Broward County Traffic approval and updated plans shall be submitted to the Town prior to issuance of any Building Permits.
3. The Applicant shall obtain Broward County Surface Water Management approval, as required, prior to issuance of any Building Permits. Full drainage calculations shall be submitted demonstrating compliance with Broward County Surface Water Management criteria, and the approved calculations shall be reflected in the civil plans.
4. In accordance with Sec. 20-92 of the Town Code, all utilities serving the development shall be installed underground at the Developer's/Owner's cost. Existing overhead service lines shall be converted to underground facilities at the time of development or reconstruction, at the Developer's/Owner's cost. For substantial redevelopment or reconstruction, all utilities adjacent to and serving the site shall be converted to underground facilities, and all new utilities shall be installed underground, consistent with the Code requirements.
5. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4308 El Mar Drive and 4312 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in the public records of Broward County.
6. The Applicant shall provide written verification from the Town's solid waste vendor confirming acceptance of the proposed trash management plan, including location and method of service, prior to issuance of any Building Permits. No permits shall be issued until proof of an acceptable trash plan is submitted to and approved by the Town.
7. A landscape plan demonstrating compliance with the Town Code shall be submitted with the Building Permit application. Any tree removal or relocation shall require approval from Broward County prior to issuance of a Building Permit. The absence of a landscape island for the eleven parking spaces along the northern perimeter is acknowledged and is hereby waived as part of the Development Order approval.
8. No signs or fences are approved as part of this Development Order. Any proposed signage or fencing shall require submittal and approval under a separate permit application.
9. In the event the north-facing balconies are removed from the approved design, the Applicant shall submit revised architectural elevations reflecting the change for inclusion in the Town's

- official records. Updated elevations shall be provided prior to issuance of any Building Permits or Certificates of Occupancy, whichever occurs first following the design change.
10. The Applicant shall secure a building permit for the project within six (6) months of the date of the development order approval.
 11. The construction shall be in accordance with submitted plans (**Exhibit 1**). Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code.
 12. The approved site 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 the 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 results in a violation of federal or state law.
 13. Prior to the 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 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.

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

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

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

APPROVED this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

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**VARIANCE DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2024-V-01**

PROJECT NAME: Ocean Treasure f/k/a Courtyard Hotel

ADDRESS OF PROPERTY: 4312 El Mar Drive

FOLIO #: 494318010190

PROPERTY OWNER: OCEAN TREASURE COURTYARD LLC

APPLICANT: Dylan Tannenbaum

REQUEST: Pursuant to the requirements of Section 30-127, "Variances," the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30-122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the property located at 4312 El Mar Drive.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on October 14, 2025, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, complies with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a Variance to permit a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet

where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30-122(a)(1) b.2.iii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required is hereby approved as shown on the application materials submitted by the applicant, attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

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

1. All applicable state and federal permits shall be obtained before commencement of construction.
2. 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. A building permit will not be issued until all outstanding debts to the Town are paid in full.

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

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

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

APPROVED this ____ day of _____, 2025

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

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**ADMINISTRATIVE ADJUSTMENT DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2024-LVL2-AA-01**

PROJECT NAME: Ocean Treasure f/k/a Courtyard Hotel

ADDRESS OF PROPERTY: 4312 El Mar Drive

FOLIO #: 494318010190

PROPERTY OWNER: OCEAN TREASURE COURTYARD LLC

APPLICANT: Dylan Tannenbaum

APPLICANT ADDRESS: 4308 El Mar Drive, Lauderdale-By-The-Sea, FL 33308

REQUEST: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments To The Code – Procedures And Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern side yard setback to 10.8 feet where 15.5 feet is required (the “Property”).

Section 30-241(h)(6)

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN OF LAUDERDALE-BY-THE-SEA, Florida, on October 14, 2025, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the Applicant, and the recommendation of the TOWN Planning and Zoning Board and TOWN Staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to APPROVE a site plan is hereby approved as shown on the plans submitted by the applicant, attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

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

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

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

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

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

APPROVED this ____ day of September, 2025

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

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Admin Adjustment DO.DOCX

