



Planning and Zoning Board

Jarvis Hall 4505 N. Ocean Drive 33308

Planning and Zoning Board

PLANNING AND ZONING BOARD

Being held at Wednesday, September 11, 2019
Jarvis Hall 4505 N. Ocean Drive 33308

1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
 3. **APPROVAL OF MINUTES**
 - 3.a Approval of June 5, 2019 Minutes
[PZ 2019 JUNE.pdf](#)
 4. **PUBLIC COMMENTS**
 5. **TOWN PLANNER REPORT**
 6. **NEW BUSINESS**
 - 6.a Sky 230 Vacation of Easement
[Garden Court Vacation of Easement.pdf](#)
[Ex 1- 1968 Storn Drain Easement.pdf](#)
[Ex 2- Application.pdf](#)
[Ex 3-Sec. 17_13. ___ Vacating_or_abandoning_streets___alleys_or_other_dedicated_property..pdf](#)
 - 6.b Peril of Flood
[Peril of Flood Staff Report.pdf](#)
[Ex 1 Proposed Amendments.pdf](#)
[Ex 2 Peril of Flood Statute.pdf](#)
[Peril of Flood Amendments PP.pdf](#)
 7. **OLD BUSINESS**
 8. **UPDATES/BOARD MEMBER COMMENTS**
 9. **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 INSURE 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.

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, June 5, 2019

1. CALL TO ORDER

Chair Lanata called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at 6:00 PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Bernard Petreccia, 1st Alternate Howard Goldberg and Alan Bluestein. Second Alternate Emeline Savidge was the only absent member. Also present were Town Attorney James White, Development Services Director Linda Connors, Planner Jhanelle Campbell, and Clerk Kaliah Lewis.

3. APPROVAL OF MINUTES

- a. Previous Meeting Minutes – April 18, 2019

Mr. Petreccia made a motion to approve the minutes of April 18, 2019 as presented. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

4. PUBLIC COMMENTS

Chair Lanata called for general public comments now which are not specific to the items on the agenda but no one wished to speak. The Chair closed public comments at this time.

5. NEW BUSINESS

- a. Ordinance 2019-05: Amending Chapter 30 “Unified Land Development Regulations,” Article V “Zoning;” Section 30-313 “General Provisions” to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

Planner Jhanelle Campbell stated that Section 30-313 (d)(1)(i) of the Town Code regulates walls and fences within the Town. It was adopted prior to annexation of the properties north of Pine Avenue addressing only the properties south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5, and RS-4). She explained where this ordinance would take out zoning districts (RS-5, RD-10, and RM-25) and would replace it with the word “residentially” zoned property. This way, the Town could cover all the residential zoning districts within the Town and all the areas in the northern section would be covered. However, the chain link fences in the northern section of Town would become legal, non-conforming. The Board’s decision this evening is to determine if they should be legal, non-conforming and when replacement is necessary, if they would have to come up to current Code Standards or the Town could give them a specific time period to come

into the current Code Standards which does not permit chain link fences. The Town was recommending two years as a time period.

The other change the Town would like to make with this ordinance is to eliminate the language for zero lot line lots. Ms. Campbell explained that this language was brought over from County Regulations when the annexed code was brought over into the Town Code. This language does not apply to any lots within our Town and that is the reason for the deletion.

Development Services Director Linda Connors asked the Board for questions and Chair Lanata wanted to know how many fences were involved. Ms. Connors answered about two dozen. She explained how using the wording "residentially zoned districts" would eliminate any confusion. She clarified the timeframe factor regarding chain link fences and that the request is not to get rid of chain link fences but rather for them not to be visible. They could either landscape in front of the chain link fence or replace chain link with a solid fence. Mr. Ferrante wanted to know about the timeframe and Ms. Connors said that it was up to the Board but Staff's recommendation was two years to landscape in front of an existing chain link fence. Mr. Ferrante inquired about legalities and Town Attorney James White said that he would be reluctant to suggest anything quicker than two years which should be legally sufficient to stand up to a challenge. Chair Lanata expressed concern about two years because Florida does have hurricanes that could knock down fences. Ms. Connors said that the Town was not requiring that the fence is replaced, only to landscape in front of it so it is not visible from the Town's right-of-way. The Town was not expecting a very tall hedge to be planted but was just ensuring the intent to landscape was there and would give the property owner time for the hedge to grow. Mr. Ferrante agrees with the Town's recommendations that two years would be a sufficient amount of time to get rid of the chain link fences or landscape in front of them. The Chair called for public comments but there were none and the public hearing was closed.

Mr. Ferrante made a motion to recommend approval to the Town Commission of Ordinance 2019-05 with Staff's recommendations. The motion was seconded by Mr. Petreccia. The motion carried 5-0.

Ms. Connors explained that this would go to the Town Commission on June 25, 2019. The Town would contact the neighborhood associations up there so that they are aware that this ordinance was moving forward.

6. OLD BUSINESS

Review of Town's Land Development Code Regulations Regarding Hotel Uses

Clerk Kaliah Lewis reminded that since Chair Lanata has recused himself for this agenda item, that 1st Alternate Howard Goldberg would be voting on this item. Development Services Director Linda Connors said that at the February 26, 2019 Meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's Business Zoning Regulations and determine whether or not a hotel use would be something that the Town should consider adding to their list of permitted uses in the Town's business zoning districts (B-1 and B1-A). Currently hotels/motels are allowed only in the RM-25 zoning district.

To make this a little easier to understand, she gave a brief history starting in 2011 when the Town Commission set a number of Planning Priorities. One priority was to strengthen the hotel district which was important because the community was recognizing the relationship between a healthy tourist economy and the economic success of the business community. She explained about the losses of hotel rooms for the construction of the Oriana Condominium and Villas By

The Sea. During this time period, the Town Commission invested \$7.5 million in the Commercial Boulevard Streetscape program and worked towards making this Town a destination by improving the commercial corridor. It proved successful but unfortunately, the western commercial districts are not enjoying similar success. This year, the Town's marketing department would be developing a program so that the west business district would be recognized as its own destination.

Ms. Connors said that the new owner of the marina approached Town Staff and the Town Commission with the idea of developing a small hotel on the marina site. The B-1 zoning district does not allow for hotels and this is why we are here tonight. The Town Commission asked Staff in February to bring a proposal to the Planning and Zoning Board to see if the Board would recommend adding hotels to the B-1 use. She explained to the Board what Staff discussed and their analysis of such subjects as, but not limited to, is the change consistent with the Comprehensive Plan, should hotels be a permitted use or a conditional use, how to preserve commercial uses in the district, parking requirements, rooftop uses, etc. She went over Staff's analysis which is documented in Staff's Report dated May 29, 2019. Staff believes that if a hotel would be allowed in a commercial district, it should be limited as it is easy to add a use but difficult to take it away once it was added. Thought was given to being conservative and allowing the use only for waterfront properties. From the map that was passed out, it was shown that waterfront properties were fairly limited and Ms. Connors reminded the Board that hotels were allowed in the RM-25 zoning district.

Ms. Connors explained that if a hotel/motel was to be considered in the B-1 zoning district, it would be a good idea to try it out in the waterfront area. Later on, adjustments could be made to the Town Code for non-waterfront areas. Thoughts were given to allow 30% of the total building's square footage to continue to be commercial use on the ground floor of the hotel. This would support walkability and interaction between the public and the hotel. She spoke about hotel parking and that 60% of the hotel parking would be provided onsite with the Town controlling where any overflow parking is going. She spoke about a swimming pool as an expanded rooftop use for hotel use. Ms. Connors asked the Board for their questions.

Mr. Petreccia asked about parking requirements and usage. He wondered how many people are coming into Town without a car and using taxis, etc. He wanted to know this relationship to the parking requirement. Discussion ensued and Ms. Connors explained changing the Town Code to include some flexibility allowing hotels to provide bicycle parking, etc. Staff will look further into this as well as surrounding area's parking requirements. Mr. Goldberg spoke about being consistent with the Town's Plan. He felt that we need hotel rooms and the basin is a strategic location. Chair Lanata expressed parking concerns and asked if there is an accommodation for commercial parking. Ms. Connors explained that tonight is for the Board to think about if they want a hotel on that site and if so, then a plan would be submitted by the developer.

Ms. Connors answered Mr. Goldberg that Staff believes the plan to add a hotel in the B-1 zoning district is consistent with the Town's Comprehensive Plan. Chair Lanata felt that the Town has to come up with the right criteria and would like to know if the building on Seagrape and Basin has to be included in this. Ms. Connors answered that it is on the water and would be hard to carve that property out. Mr. Goldberg said that there is another building on the opposite side of the basin purchased by a different owner. Town Attorney James White said that it would have to be looked into and explained what could be done. Mr. Petreccia questioned hotel employee parking and that one-hundred twenty square feet units are small.

He felt the developer or the property owner should be responsible for hotel employee parking. Mr. Whyte inquired about who owns Benihana's parking lot.

Ms. Connors suggested breaking down today's discussion into pieces. (1) should a hotel be allowed in the B-1 zoning district and the consensus vote showed agreement so (2) should the hotel be a conditional use and the consensus vote was in favor of conditional use. Chair Lanata said in his opinion, they need to be given the right to build a hotel in the B-1 zoning district without conditional use. Ms. Connors explained how conditional use would work in this situation (e.g., turning loud music off at a certain time, etc.). Mr. Goldberg felt that they should make a motion now to move ahead with a hotel in B-1 and do the further steps individually. After discussion, the consensus was for hotel in B-1 as a conditional use. Ms. Connors then said (3) to limit the commercial use or require a percentage of commercial use on the ground floor to have interaction with the public in place. Mr. Goldberg felt that the developer should use the space to make the hotel better. Mr. Ferrante felt that if he was the developer, he would be happy to meet the requirements of the Town and the ground floor should have additional uses. Mr. Goldberg said that the western plazas are suffering and he would hope the hotel would draw people to the plazas. Mr. Bluestein wanted to know how large the hotel would be and Ms. Connors explained.

Ms. Connors summarized that the recommendation would be for a hotel in the B-1 zoning district as a conditional use. Now should a hotel be for waterfront property or in the whole B-1 area. The consensus vote was for waterfront property. The next recommendation would be for carving out the two properties on either side of the basin and not including them even though they are waterfront properties. Ms. Connors said to look at Exhibit 2, line 107 (Ordinance 2019-07), allowing for relief via side and rear setbacks if a hotel is beside a residential property. The consensus vote for carving out the two properties on water needed a roll call. Chair Lanata explained why he suggested carving out the two properties. The consensus was not to carve them out with 4 in favor and Mr. Bluestein's abstaining. Discussion ensued about room size not being any smaller than one-hundred twenty-feet. Both Mr. Ferrante and Mr. Petreccia wanted to know the average size hotel room built today and discussion ensued. The consensus was for a minimum of 120 square foot unit. The final issue to consider is a swimming pool as an allowed use for a hotel on the roof. Town Attorney White explained passive recreational rooftop uses would not be allowed in the B-1 district. However, in B-1 as a conditional use, rooftop uses would allow for a pool. Attorney White explained the distinction between the two ordinances in the packet. Mr. Goldberg was answered that the existing height regulation is thirty-three feet and the pool has to be on the same level. Ms. Connors said the height is protected in the Charter. Discussion ensued about hours of use and Ms. Connors directed the Board's attention to that part of the ordinance for rooftop activity area and suggested adding language reflective of a conditional use. A roll call for the consensus vote for allowing a rooftop pool as part of a hotel showed everyone was in favor. A consensus roll call vote for a 30% commercial use should be required for the ground level showed everyone in favor.

Ms. Connors asked if there was any public comment. Ross Tannenbaum, one of the new owners of the marina property being discussed this evening, said he appreciates the support given and would come back with a plan. He spoke about parking and having 60% of the hotel parking in the design laid out now. As no one else wished to speak, the Chair closed the public hearing.

Ms. Connors summarized the Board's unanimous consensus voting and recommendations:
Allow hotel with conditional use in the B-1 zoning district for waterfront properties
Require 30% commercial use on the ground floor

Allow rooftop pools with conditions

Add language to the hours of operation that state "or as regulated as a conditional use"

Allow a minimum of 120 square feet for a hotel unit

Allow setbacks consistent with the adjacent zoning district

Do not allow carving out of the two waterfront properties on either side of the basin spoken about in the meeting (this wasn't a unanimous decision because Mr. Bluestein abstained)

Mr. Ferrante made a motion to recommend allowing a hotel as a conditional use in the B-1 zoning district for waterfront properties to the Town Commission plus other amendments listed above for Ordinance 2019-07. The motion was seconded by Mr. Bluestein. The motion carried 5-0.

Ms. Connors said that this would be brought to the Town Commission on June 11, 2019.

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said the next Planning and Zoning Meeting would be July 10, 2019.

8. ADJOURNMENT

Mr. Petreccia made a motion to adjourn at 7:10PM. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

Chair John Lanata

ATTEST:

Date Accepted: _____

Development Services Director Linda Connors



Town of Lauderdale-by-the-Sea

Development Services Department

To: Planning and Zoning Board
From: Linda Connors, Development Services Director
Meeting Date: September 4th, 2019
Project: 2019-VAC-01: Vacation of a Storm Drain Easement located at Garden Court –Folio No. 494318270300.

Pursuant to Town Code Section 17-13, "Vacating or Abandoning Streets, Alleys or other Dedicated Property," the Applicant, 230 Tropical Shores Development, LLC, has requested to Vacate a Storm Drainage Easement (the "Easement") located at Garden Court –Folio No. 494318270300 (the "subject property").

Background

The Easement is located in the Silver Shores Section of the Town of Lauderdale-By-The-Sea (the "Town"), (Unit A, Plat Book 28 Page 39, recorded March 7, 1952) (**Exhibit 1**). The Applicant is currently constructing townhomes where the Easement is located. The Easement is no longer required, because the Applicant recently vacated and relocated a twelve (12)-foot Drainage Easement in the same vicinity.

Documents

Staff has reviewed the Easement Vacation application (**Exhibit 2**). This review was based on the following documents submitted by the Applicant:

1. Plat of Silver Shores Section of Lauderdale-By-The-Sea, Unit A, prepared by John O. Brendla, and recorded in Broward County on March 7, 1952, Plat Book 28, Page 39.
2. Storm Drain Easement recorded in Broward County on November 19, 1968, Book 3794 Page 600
3. Easement Vacation and Relocation Development Order (2018-VAC-02), which establishes a twelve (12)-foot wide public Drainage Easement on the same property as the requested Easement Vacation.
4. Survey dated January 31st, 2019 that shows the newly established twelve (12)-foot wide public Drainage Easement on the subject property located in the Silver Shores Section of the Town.

Code Requirement

Pursuant to Town Code Section 17-13, (**Exhibit 3**), this application has been referred to the Planning and Zoning Board for a recommendation prior to going before the Town Commission for a public hearing and final decision.

Summary Findings and Recommendations

Staff recommends approval of the Easement Vacation request, based upon review of the application and plans submitted and its compliance with the Town's Code. Staff does not object to the Easement Vacation because it is no longer required.

Procedure

Following the Planning and Zoning Board's review and recommendations, staff will schedule the Commission's review of the requested Easement Vacation on September 26th, 2019.

Exhibits

1. Recorded storm drain easement.
2. Application: 2019-VAC-01
3. Section 17-13 of the Town Code

U:\0 Properties\Garden Court\Vacation of Easements\2019-VAC-01\2019- VAC- 01 Garden Court -
Vacation of Easement Staff Report.docx

PREPARED BY: Juanita Pendley, Town Clerk
Lauderdale-By-The-Sea, Fla.

EASEMENT

OFF. 3794 PAGE 600
REC. 3794

THIS INDENTURE, made this 25 day of April,
A.D., 1968 be and between William H. Bullock and Rita V. Bullock, his
wife, hereinafter called the Grantors, and the Town of Lauderdale-By-The-
Sea, a municipal corporation of Florida, Town Hall, Lauderdale-By-The-Sea,
Florida, hereinafter called the Grantee;

WITNESSETH: That for and in consideration of the sum of ONE
DOLLAR (\$1.00) paid by the Grantee to the Grantors, receipt of which is
hereby acknowledged, and other good and valuable consideration, the
Grantors hereby grant unto the Grantee the successors and assigns, full
and free right and authority to lay, operate and maintain such storm
drains as grantee may deem necessary, along, through, in and under that
certain strip or parcel of land situated, lying and being in Lauderdale-
By-The-Sea, Broward County, Florida, described as follows:

The Lot 1 of Block 6, SILVER SHORES SECTION
OF LAUDERDALE BY THE SEA, UNIT "A", according
to the plat book 29, page 21, of the Public
Records of Broward County, Florida

TO HAVE AND TO HOLD the same unto the said Grantee, its suc-
cessors and assigns forever.

IN WITNESS WHEREOF the said Grantors have caused these presents
in their name, the day and year first above written.

William H. Bullock
William H. Bullock

Rita V. Bullock
Rita V. Bullock

Signed, sealed and delivered
in the presence of:

Juanita Pendley
Sarotha L. Linder

RETURN TO: ROSS, NORMAN & CORY
2810 E. OAKLAND PARK BLVD.
FT. LAUDERDALE, FLA. 33306



58 NOV 13 AM 10:04

STATE OF Florida
COUNTY OF Broward

I HEREBY CERTIFY, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, WILLIAM H. BULLOCK and RITA V. BULLOCK, his wife, to me well known and known to me to be the individuals described in and who executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Fort Lauderdale, Fla.
County of Broward, State of Florida
this 25 day of April, A.D., 1968.

Janita Bouldsburg
Notary Public

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAY 8, 1971
BONDED THROUGH FRED W. DIERTELHOFER

RECORDED IN OFFICIAL RECORD BOOK
OF BROWARD COUNTY, FLORIDA
JACK WHEELER
CLERK OF CIRCUIT COURT

EXHIBIT 2

Applica
BTR#:

2019-VAC-01



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: Sky 230 Garden Ct. Folio Number(s): _____

Street Address: _____

Subdivision Name: Silver Shores Section of LBTS Block(s): _____ Lot(s): _____
Name of Property Owner: 230 Tropical Shores Development LLC Address of Property Owner: 1800 W. Broward Blvd Ft. Lauderdale, FL

Property Owner's Phone Number: 954-696-3304 Property Owner's Email Address: kaistadler@gmail.com
Name of Applicant: Kai Stadler Address of Applicant: 218 Commercial Blvd #106, LBTS

Applicant Phone Number: same Applicant Email Address: same

Name of Agent (e.g. Contractor) Representing the Project: Esther Ravelo, Architect
Agent's Address: 94 S. Federal Hwy, Ft. L. Agent's Phone: 954-802 2530 Email Address: Esther.Ravelo@ap.com

Land Use Plan Designation: RM-25 Zoning District: RM 25

Existing/Type of Use of the Subject Property: Vacant

Proposed Use of the Subject Property: _____
As applicable, answer the following:

Existing Number of Units: 0 Proposed Number of Units: 12
Existing Square Footage: _____ Proposed Square Footage: _____

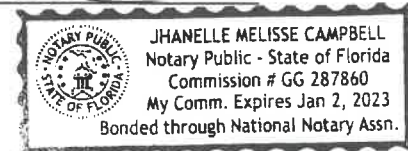


DEVELOPMENT APPLICATION SIGNATURE PAGE

Print Name of Property Owner: _____

Date: 5/9/2019

Signature of Property Owner: _____



State of Florida: _____

County: Broward

SWORN AND SUBSCRIBED before me this 9 day of May, 2019

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

Print Notary Name: Jhanelle Campbell

My Commission expires: 1/2/23

Notary Signature: _____

Print Name of Applicant: _____ Date: _____

Signature of Property Applicant: _____

State of Florida: _____

County: _____

SWORN AND SUBSCRIBED before me this _____ day of _____, 20__

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

Print Notary Name: _____

My Commission expires: _____

Notary Signature: _____

FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Pre-Application meeting date: _____

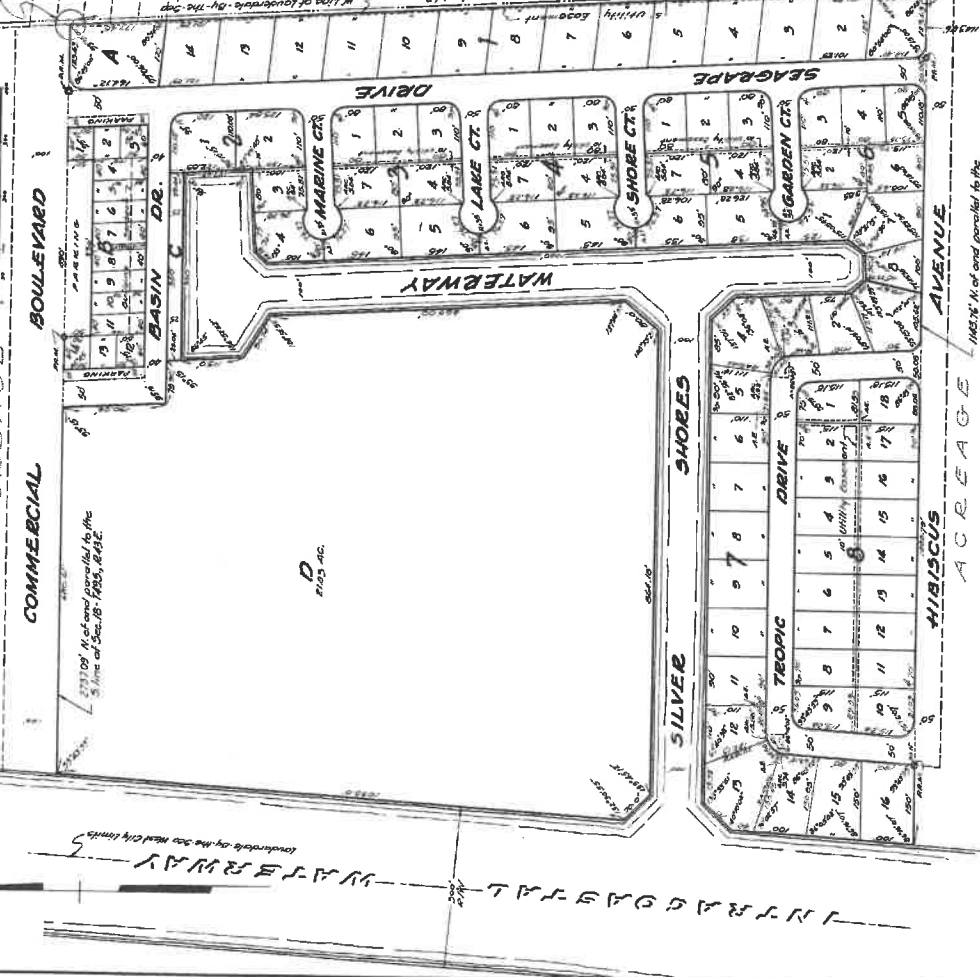
Non-refundable Application Fee: _____

Cost Recovery Fee: _____

Silver Shores

SECTION OF LAUDERDALE BY THE SEA ... UNIT A
IN SEC. 18-TWP. 43S., RGE. 43E.
JOHN O. BRENOLA, CIVIL ENGINEER & LAND SURVEYOR, Ft. LAUDERDALE, FLORIDA

ACREAGE
SCALE IN FEET
COMMERCIAL



DESCRIPTION
All that part of the south 2703.03 feet of the West one-half (1/2) of Section 18, Township 43 South, Range 43 East, lying east of the Intracoastal Waterway, known as the Florida East Coast Canal, excepting therefrom the south 148.76 feet thereof.

DEDICATION
KNOW ALL MEN BY THESE PRESENTS:

That William S. Edgeman, Trustee, joined by Barbara H. Edgeman, his wife, has caused the lands as described above to be surveyed, subdivided and platted in the manner as shown hereon and said plat will be known as "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA - UNIT A".

The boulevard, street, avenue, courts and drive as shown on said plat are hereby dedicated to the public use of the public for proper purposes, reserving to themselves the reversion or reversion thereof whenever discontinued by law.

In witness whereof the said William S. Edgeman, Trustee, and Barbara H. Edgeman, his wife, have set their hands and seals this 20th day of February, A.D. 1932.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor

ACKNOWLEDGEMENT

I, *William S. Edgeman*, of the County of Broward, State of Florida, do hereby certify that on this day personally appeared before me, an officer duly authorized by law to perform such duties, *William S. Edgeman*, as Trustee for the said Silver Shores Section of Lauderdale by the Sea, and they acknowledged to me the execution of the foregoing instrument for the purposes therein expressed.

In witness whereof I have hereunto set my hand and seal this 20th day of February, A.D. 1932.

My commission expires this 19th day of February, A.D. 1932.

SURVEYOR'S CERTIFICATE

This is to certify that I, *John O. Brenola*, a Land Surveyor duly registered in the State of Florida, have surveyed the property as described hereon and as shown on the attached plat and that permanent reference monuments (120") were set as shown and that said survey and plat are accurate and correct to the best of my knowledge and belief.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor

Approved for record this 20th day of February, A.D. 1932.

COUNTY ENGINEER

This is to certify that the Town Planning and Zoning Board of Lauderdale-by-the-Sea has approved and accepted this plat.

Date: *Feb. 20, 1932*

TOWN PLANNING AND ZONING BOARD

This is to certify that this plat complies with the provisions of chapter 100, § 100.01, Laws of Florida, and was accepted for record by the Board of Commissioners of Broward County, Florida.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor

Approved for record this 20th day of February, A.D. 1932.

TOWN COMMISSION

This is to certify that the Town Commission of Lauderdale-by-the-Sea has approved and accepted this plat for recording.

Date: *Feb. 20, 1932*

TOWN PLANNING AND ZONING BOARD

This is to certify that this plat complies with the provisions of chapter 100, § 100.01, Laws of Florida, and was accepted for record by the Board of Commissioners of Broward County, Florida.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor

Approved for record this 20th day of February, A.D. 1932.

TOWN COMMISSION

This instrument filed for record this 21st day of February, A.D. 1932, recorded in Plat Book 28 of Page 39.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor

Approved for record this 21st day of February, A.D. 1932.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor

Approved for record this 21st day of February, A.D. 1932.

Witness: *John O. Brenola*
John O. Brenola, Civil Engineer & Land Surveyor



**EASEMENT DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2018-VAC-02**

PROJECT NAME: Sky 230- Garden Court
FOLIO #: 494318270300
PROPERTY OWNER: 230 TROPICAL SHORES DEV LLC
APPLICANT: Kai Stadler
APPLICANT ADDRESS: 218 Commercial Blvd # 106, Lauderdale-By-The-Sea, FL 33308

REQUEST: Pursuant to Article IV, Division 2 of Chapter 30 of the Town's Code of Ordinances, the Applicant is requesting a Vacation and relocation of a 12 foot wide public drainage easement for Silver Shores located at Garden Court/ Folio # 494318270300.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on December 11, 2018, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL.

- A. The vacation of the 12 foot wide drainage easement recorded July 24, 2007 in OR Book 44372 Page 1468, CFN # 107240593, in the Official Records of Broward County, Florida attached as Exhibit 1 is hereby approved.

B. The dedication of the relocated 12 foot wide public drainage easement attached as Exhibit 2 is hereby approved and accepted.

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

1. All construction shall be in accordance with the plans, incorporated into this document as Exhibit 2, which are entitled "Land Description and Sketch," which incorporates all modifications and conditions approved by the Town Commission. The vacation and relocation may not be modified as required as part of the building permit process.
2. The approved vacation and relocation does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Town for issuance of the approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
3. All applicable state and federal permits shall be obtained before commencement of the vacation and relocation of the easement.
4. 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.

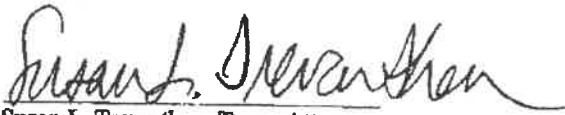
APPROVED this 11th day of December, 2018


MAYOR CHRIS VINCENT

ATTEST:


Tedra Allen, Town Clerk

Approved as to form:


Susan L. Trevarthen, Town Attorney

R:\0 Agenda\12-11-18 Commission\Dev Services\Sky 230 Easement\12-11-18 Development Order Sky 230 Easement_Garden Court.docx

EXHIBIT 1

CEN # 107240583, OR BK 44372 Page 1468, Page 1 of 5, Recorded 07/24/2007 at 04:05 PM, Broward County Commission, Deputy Clerk 1923

4²
Prepared by and return to:
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308-3601

DRAINAGE EASEMENT

On this 1th day of ^{May} April, 2007, YNB INVESTMENTS, INC. (hereinafter referred to as "Grantor"), a Florida Corporation, whose address is 4104 Aurora Street, Coral Gables, FL 33146, in and for the consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby grant and convey to the TOWN OF LAUDERDALE-BY-THE-SEA, a municipal corporation of the State of Florida, whose address is 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3601, (hereinafter "TOWN"), its successors and assigns, a perpetual public drainage easement under, over, and upon the following described real property located in the Town of Lauderdale-By-The-Sea, County of Broward, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED

together with the right to construct, reconstruct, remove, maintain, operate, improve, add to, and repair such facilities and appurtenances in or on said real property which may be required for the full enjoyment of the rights herein granted; the right of the TOWN to assign the rights herein granted and conveyed to any recognized public utility or municipality; the right of ingress and egress to said real property at all times; the right to keep the land cleared of obstructions within the easement area; and further providing that the grantor shall not erect or place any building or tree on the above-described real property.

(5)

CWN # 107240593, OR BK 44372 PG 1469, Page 2 of 5

Grantor hereby acknowledges that he/she is the fee simple owner of the real property as described in Exhibit "A".

Grantor may, for its own purposes, utilize the easement area and shall retain a right of free ingress and egress under, over and upon the easement area; provided that, in no event, shall any of the rights herein reserved to TOWN impede the easement herein granted or the exercise of the rights of use there under.

The provision of the easement shall be binding on the parties hereto and their respective successors and assigns as a covenant running with the land upon the servient estate.

The easement shall not be released or amended without consent of the TOWN as evidenced by a document signed with the same formalities as this document.

This document shall be recorded in the Public Records of Broward County, Florida.

CFN # 107240592, OR BK 44372 PG 1470, Page 3 of 5

IN WITNESS WHEREOF, the GRANTOR has executed this instrument on the 7th day of MAY
April, 2007.

Signed, sealed and
Delivered in the presence of:

YNS INVESTMENTS, INC.

Witnesses:

[Signature]
[Signature]

Hoi Sang Yeung
By: Hoi Sang Yeung
Title: President

STATE OF FLORIDA
COUNTY OF BROWARD
MIAMI-DADE

The foregoing instrument was acknowledged before me this 7th day of MAY
2007 by Hoi Sang Yeung as President of
YNS INVESTMENTS, INC. a Florida corporation, who is personally known to me or
who has produced _____ (type of identification) as
identification.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA
Edwin Samuel
My Commission Expires: 08/01/2011
Notary Public - State of Florida, Inc.

Edwin Samuel
NOTARY PUBLIC, STATE OF FLORIDA
(Signature of Notary Public, Address, and Seal)
EDWIN SAMUEL
(Print or Address, Typed, Printed or Stamped)
DD516792
Commission Number

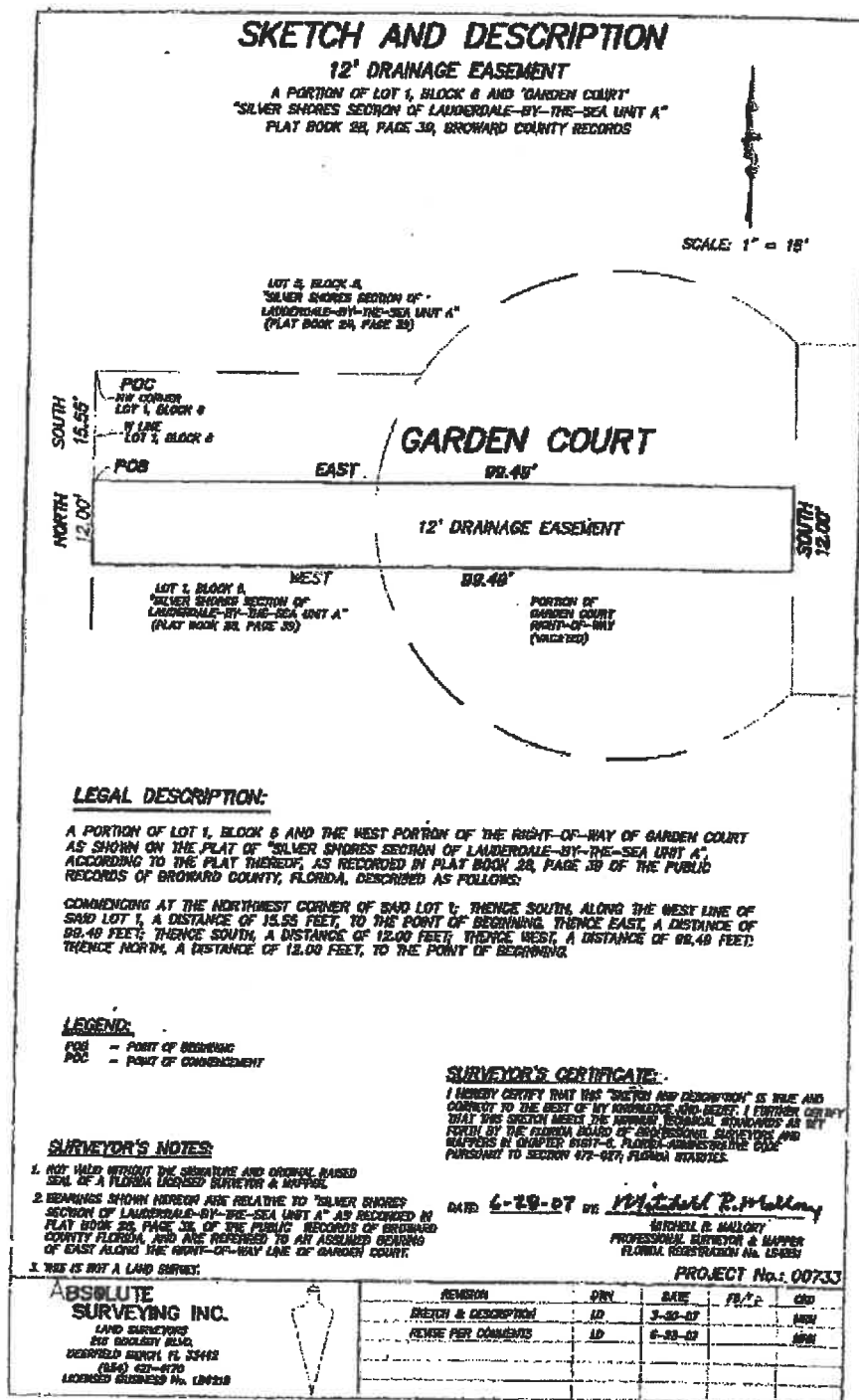
CMN # 107240593, OR BK 44372 PG 1471, Page 4 of 5

The foregoing Recement and all of its agreements, terms, conditions and representations
are hereby accepted at the Town of Lauderdale-By-The-Sea, Florida, this 7th day of
May, 2007

Page 4 of 4

EXHIBIT 2

CPN # 107240593, OR BK 44372 PG 1472, Page 5 of 5



COUSINS SURVEYORS & ASSOCIATES, INC.



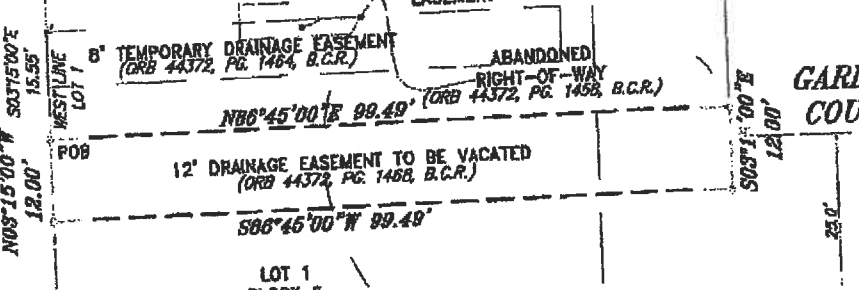
3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 8274-17

CLIENT :
 SMH CONSTRUCTION LLC

LAND DESCRIPTION AND SKETCH





LEGAL DESCRIPTION:

A PORTION OF LOT 1, BLOCK 6, AND A PORTION OF THAT ABANDONED CUL-DE-SAC RIGHT OF WAY CONTIGUOUS WITH THE AFOREMENTIONED LOT AS RECORDED IN OFFICIAL RECORDS BOOK 44372, PAGE 1458, BROWARD COUNTY RECORDS, ALL IN SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, AT PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 6;

THENCE SOUTH 03°15'00" EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 15.55 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 88°45'00" EAST, A DISTANCE OF 89.49 FEET;

THENCE SOUTH 03°15'00" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 86°45'00" WEST, A DISTANCE OF 99.49 FEET;

THENCE NORTH 03°15'00" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

THE ABOVE DESCRIBED EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 44372, PAGE 1468 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

REVISIONS	DATE	FB	PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/07/18	----		AM	REC

LAND
DESCRIPTION &
SKETCH TO
VACATE
12' DRAINAGE
EASEMENT

PROPERTY ADDRESS :
 226, 230 S GARDEN CT
 4149 SEAGRAPE DRIVE

SCALE: 1" = 20'

SHEET 1 OF 2

COUSINS SURVEYORS & ASSOCIATES, INC.

3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7788 FAX (954) 689-7789

PROJECT NUMBER : 8274-17

CLIENT :

SMH CONSTRUCTION LLC

LAND DESCRIPTION AND SKETCH**LEGAL DESCRIPTION:**

A PORTION OF LOT 1, BLOCK 6, AND A PORTION OF THAT ABANDONED CUL-DE-SAC RIGHT OF WAY CONTIGUOUS WITH THE AFOREMENTIONED LOT AS RECORDED IN OFFICIAL RECORDS BOOK 44372, PAGE 1458, BROWARD COUNTY RECORDS, ALL IN "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, AT PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 6;

THENCE SOUTH 03°15'00" EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 21.50 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 86°45'00" EAST, A DISTANCE OF 44.19 FEET;

THENCE NORTH 63°27'24" EAST, A DISTANCE OF 60.21 FEET;

THENCE SOUTH 03°15'03" EAST, A DISTANCE OF 13.06 FEET;

THENCE SOUTH 63°27'24" WEST, A DISTANCE OF 57.52 FEET;

THENCE SOUTH 86°45'00" WEST, A DISTANCE OF 46.66 FEET;

THENCE NORTH 03°15'00" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN AUGUST, 2018. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE STANDARD OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY:

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

REVISIONS	DATE	FB:PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/07/18	---	AM	REC
REVISED LAND DESCRIPTION & SKETCH	09/24/18	---	AM	REC

LAND
 DESCRIPTION &
 SKETCH FOR
 12' DRAINAGE
 EASEMENT

PROPERTY ADDRESS :
 226, 230 S GARDEN CT
 4149 SEAGRAPE DRIVE

SCALE: N/A

SHEET 1 OF 2

COUSINS SURVEYORS & ASSOCIATES, INC.



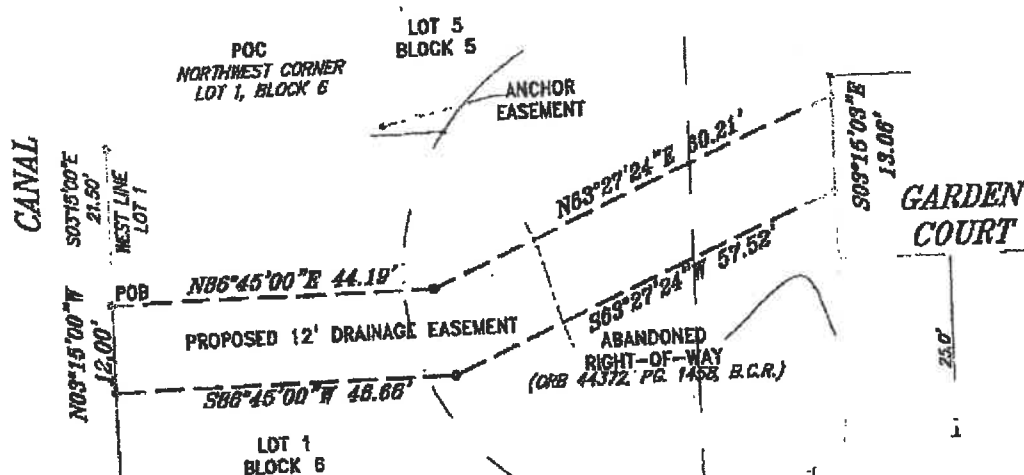
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 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 8274-17

CLIENT :

SMH CONSTRUCTION LLC

LAND DESCRIPTION AND SKETCH



LEGEND:

CKD CHECKED BY
 DWN DRAWN BY
 FB/PG FIELD BOOK AND PAGE
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 P.B. PLAT BOOK
 B.C.R. BROWARD COUNTY RECORDS

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED.

REVISIONS	DATE	FB PG	DWN	CKD
LAND DESCRIPTION & SKETCH	09/07/18	----	AM	REC
REVISED LAND DESCRIPTION & SKETCH	09/24/18	----	AM	REC

**LAND
 DESCRIPTION &
 SKETCH FOR
 12' DRAINAGE
 EASEMENT**

PROPERTY ADDRESS :
 226, 230 S GARDEN CT
 4149 SEAGRAPE DRIVE

SCALE: 1" = 20'

SHEET 2 OF 2

Sec. 17-13. - Vacating or abandoning streets, alleys or other dedicated property.

Whenever it may be deemed necessary, the Town Commission may cause any street, alley or public highway to be opened, straightened, diverted, widened, narrowed or vacated. No street, alley or other property dedicated to the public use shall be vacated or abandoned except by a new plat or certified current survey submitted to and approved by the Town Commission showing the condition of the area after such vacation and abandonment. The Town Commission shall in its discretion so determine whether the plat or the survey method shall be utilized. Before any street, avenue, alley or other public place appearing on any plat of record and dedicated to the public use can be vacated or abandoned, the person or parties so desiring the vacation or abandonment shall make application to the Town Commission for such vacation and [or] abandonment, where upon such application for vacation shall be referred to the Town Planning and Zoning Board for its recommendation, and thereafter the Town Commission shall cause a public hearing to be held on such matter at a regular meeting of the Commission, not less than 15 days after the presentation of such application, and notice of such public hearing shall be duly published in a newspaper of general circulation published in the County.

(Sp. Acts 1951, Ch. 27675, Pt. IX, Art. 5, § 3; Ord. No. 306, § 1, 1-10-89)



Town of Lauderdale-by-the-Sea
Development Services Department

To: Planning and Zoning Board
From: Linda Connors, Development Services Director
Date: August 28, 2019
Meeting Date: September 4, 2019
Project: **Peril of Flood Amendments to Coastal Management Comp Plan Element**

This presentation will outline the amendments to the Coastal Management element of Lauderdale-By-The-Sea's (LBTS) Comprehensive Plan (**Exhibit 1**) to meet the requirements put in place through the Peril of Flood Act. The proposed amendments are attached.

Background

The Peril of Flood Act is an update to F.S. 163.3178 that recognizes future flood risks increasing as a result of sea level rise (SLR) and storm surge. The act is focused on re-examining the principles, strategies, and engineering solutions associated with SLR.

The statute states that:

"The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster."

The statute (**Exhibit 2**) outlines the requirements that must be met in the comprehensive plan in order to comply with the statute.

The South Florida Regional Planning Council (SFRPC) secured a grant from the State Department of Economic Opportunity to assist several coastal municipalities in South Florida with amending the Coastal Management elements of their comprehensive plans to better address the Peril of Flood requirements. LBTS was asked and agreed to participate.

SFRPC reviewed our most recent Coastal Management element and drafted amendments that would allow us to meet the Peril of Flood requirements. During this process, staff realized the need to update the Coastal Management element which was outside of the scope of this project. Therefore, staff plans to prepare an update to this element and will incorporate the proposed Peril of Flood amendments at that time.

Documents

A copy of the proposed amendments is attached as **Exhibit 1**. A copy of the Peril of Flood statute is attached as **Exhibit 2**.

Procedure

Following the Planning and Zoning Board's meeting on the amendments, staff will present the amendments to the Commission for review and comment on September 26, 2019.

Exhibits

1. Proposed amendments
2. Peril of Flood statute

U:\0 Projects\Peril of Flood\Peril of Flood Staff Report 9-4-18.docx

Objective 5.1

Continue to ~~enforce~~ remain consistent or more stringent than all applicable local, state, and federal coastal environmental and building regulations while providing for the appropriate development or operation of remaining vacant waterfront residential properties.

Policy 5.1.1: Continue to require building construction techniques, and additional flood resistant construction requirements remain either consistent with, or more stringent than, the requirements within the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. In accord with the Florida Building Code.

Policy 5.1.2: Continue to enforce all regulations pertaining to the State's Coastal Construction Control Line as established pursuant to State Statute 161.053 be consistent with Chapter 161.

Policy 5.1.12: National Flood Insurance Program, Community Rating System: The Town will continue to participate in the Community Rating System administered by the National Flood Insurance Program. The Town shall continue to strengthen their sea-level rise adaptation strategies and work to reduce flood risk and losses, to improve their Community Rating Score.

Policy 5.3.3: The Town shall protect coastal areas for public benefit, and, using best practices, restore degraded coastal protection measures, including dunes, dune vegetation, and overall dune system while enforcing established access points to reduce foot traffic on the dune system.

Policy 5.4.4: Ensure that public and private developments in flood risk zones are built to an elevation that is the minimum, and where possible greater than, the required elevation for the current Community Rating Score of the National Flood Insurance Program working with the assumption of 6-10 inches by 2030 as stated by the Southeast Regional Compact on Climate Change.

Policy 5.6.3: Continue to adequately fund local maintenance and operation needs with respect to storm and floodwater drainage.

Policy 5.6.4: The Town shall recognize the risk of high tide flooding events, flash flooding, storm surge, and the impacts of a rising sea, and shall enforce all drainage facilities are properly maintained to reduce flood risk.

Policy 5.7.2: In coordination with Broward County, identify in the post-disaster redevelopment plan criteria for limiting redevelopment due to the extent of damage suffered, the potential repeated damage and areas suitable for public acquisition that have been destroyed as a result of a hurricane. County, State, and Federal agencies and programs, including the Flood Mitigation Assistance Program (FMAP), Repetitive Flood Claims (RFC), and Severe Repetitive Loss (SRL), the Town will continue to work with the State of Florida Division of Emergency Management, the Federal Emergency Management Agency, and the National Flood Insurance Program to mitigate flooding hazards through the acquisition, elevation, or relocation mitigation alternatives.

Policy 5.7.4: Investigate-Enforce the post-disaster redevelopment plan, reduction of and where possible work to reduce the densities in the coastal high hazard area.

Policy 5.7.7: The Town will develop and support public and private projects and programs to retrofit, relocate, or acquire properties susceptible to repetitive flooding.

Policy 5.7.8: The Town shall require all future development and redevelopment within flood hazard areas to require additional vulnerability reduction measures, including but not limited to additional hardening, higher finished flood elevations, or the incorporation of natural infrastructure for increased resilience.

Policy 5.7.9: Structures that are storm damaged over 50% of their most recent appraised value may be reconstructed only when the entire structure will then conform to all applicable regulations, including all land development regulations, Florida Building Codes, and coastal construction codes.

Objective 5.9

The Town shall update data of critical facilities and create new strategies related to climate change impacts to infrastructure and shoreline protection.

Policy 5.9.1: The Town will maintain a list of critical facilities within areas vulnerable to repeat flooding and analyze the facilities' capacity to accommodate sea-level rise over the life expectancy of the infrastructure.

Policy 5.9.2: The Town shall develop strategies that identify how the Town will respond to impacts on critical facilities located in flood areas, considering the potential need and cost to maintain or relocate critical facilities from the areas expected to be affected.

Policy 5.9.3: The Town will enforce a shoreline stabilization strategy to protect and enhance the built and natural environments from erosion and sea-level rise impacts, prioritizing natural green infrastructure approaches. The Town shall assure shoreline stabilization strategies are found to be in the public interest, while taking into consideration the Town's vulnerability to climate change impacts. The Town shall consider public access to beaches, impacts to neighboring properties and the values and functions of beaches and coastal/marine systems, relative to shoreline stabilization strategies.

A. The proposed amendment shall be revised to include the following new objective 5.10 and policies in the Coastal Management Element to address site development techniques and best practices that reduce losses due to flooding, pursuant to section 163.3178(2)(f)3., F.S.

Objective 5.10

In compliance with Florida Statutes 163.3178(2)(f)3, during this short-term planning period the Town will implement site development techniques and best practices that reduce losses due to flooding.

Policy 5.10.1: The Town will incorporate a planning, design and permitting standard for infrastructure and public facilities that includes a sea-level rise assumption of 6-10 inches by 2030 as developed by the Southeast Regional Climate Compact. The Town shall review and update sea-level rise projections when new and pertinent data is available.

Objective 5.11

The Town understands that its location between the Atlantic Ocean and Intracoastal Waterway places it in a challenging area. The Town will monitor and approach new coastal challenges as data is provided.

Policy 5.11.1: The Town will participate in regional climate and coastal initiatives to remain informed, and as a leader in understanding and anticipating coastal challenges.

Exhibit 1

Policy 5.11.2: The Town recognizes the risk of high tide flooding events, flash flooding, storm surge, and the impacts of a rising sea, and shall enforce all drainage facilities are properly maintained to reduce flood risk. Facilities will be checked annually, allowing time to effect needed repairs prior to the Atlantic Hurricane Season (June 1), this includes pumping stations as well as drainage infrastructure. Routine maintenance and cleaning will occur on a monthly schedule and prior to major storm occurrences.

Policy 5.11.3: The Town will make public announcements regarding high tide events and provide proper traffic assistance.

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL PROGRAMS

163.3178 Coastal management.—

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a

consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

(g) A shoreline use component that identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 311.09(1), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port and proposed expansion areas. Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. “The appropriate local government” means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality has responsibility, where a municipality and a county each have responsibility, or where two or more municipalities each have responsibility for the area in which the deepwater port lies, “the appropriate local government” means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3167 and 163.3184. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9); port transportation facilities and projects listed in s. 311.07(3)(b); intermodal transportation facilities identified pursuant to s. 311.09(3); and facilities determined by the state land planning agency and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities may not be designated as developments of regional impact if such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state’s commitment to deepwater ports, the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, port facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act shall not be subject to development-of-regional-

impact review provided the port either successfully completes an alternative comprehensive development agreement with a local government pursuant to ss. 163.3220-163.3243 or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act shall not be subject to development-of-regional-impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.

(6) Each port listed in s. 311.09(1) and each local government in the coastal area which has spoil disposal responsibilities shall provide for or identify disposal sites for dredged materials in the future land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and transportation. The disposal site selection criteria shall be developed in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. For areas owned or controlled by ports listed in s. 311.09(1) and proposed port expansion areas, compliance with the provisions of this subsection shall be achieved through comprehensive master plans prepared by each port and integrated with the appropriate local plan pursuant to paragraph (2)(k).

(7) Each county shall establish a county-based process for identifying and prioritizing coastal properties so they may be acquired as part of the state's land acquisition programs. This process must include the establishment of criteria for prioritizing coastal acquisitions which, in addition to recognizing pristine coastal properties and coastal properties of significant or important environmental sensitivity, recognize hazard mitigation, beach access, beach management, urban recreation, and other policies necessary for effective coastal management.

(8)(a) A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or
 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
 3. Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2.
- Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and

construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

History.—s. 7, ch. 85-55; s. 8, ch. 86-191; s. 24, ch. 87-224; s. 7, ch. 93-206; s. 899, ch. 95-147; s. 11, ch. 96-320; s. 65, ch. 99-251; s. 2, ch. 2005-157; s. 2, ch. 2006-68; s. 4, ch. 2009-85; s. 44, ch. 2010-102; s. 14, ch. 2011-139; ss. 7, 80, ch. 2012-96; s. 6, ch. 2012-99; s. 1, ch. 2015-69.

Peril of Flood Amendments



Susan Leven, AICP
Development Services Department
September 4, 2019



What is Peril of Flood?

- Peril of Flood is an update to F.S. 163.3178 that recognizes future flood risks increasing as a result of sea level rise (SLR) and storm surge
- A major focus is to re-examine principles, strategies, and engineering solutions in the wake of sea level rise



Why are we reviewing?

F.S. 163.3178 States:

“It is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.”



Why are we reviewing?

- The Statute includes issues municipalities are required to include in the Comprehensive plans, including:
 - Development and redevelopment strategies to reduce flood risk
 - Site development techniques to reduce flood loss
 - Use of best practices that will assist in removing coastal property from flood zone designation
- South Florida Regional Planning Council (SFRPC) was given a grant by Florida DEO to assist several municipalities in addressing these requirements in their Coastal Management element. LBTS was one of communities that SFRPC approached to provide this service.



Summary of proposed amendments to existing text

1. Remain consistent or more stringent than existing regulations.
 - a. Consistency with Florida Building Code and flood plain management regulations
 - b. Consistency with Coastal Construction Control Line
 - c. Continued participation in Community Rating System – improve score
2. Coastal protection
 - a. Protect coastal areas – dune creation, dune vegetation, reduce foot traffic



Summary of amendments, 2

3. Development and development regulations

- a. Raised elevations for development in flood risk zones
- b. Maintain and improve drainage facilities
- c. Mitigate flood hazards through acquisition, elevation or relocation
- d. Support public and private projects to reduce repetitive flooding
- e. Add requirements to increase resilience for new construction in flood hazard areas
- f. Structures destroyed by storms can rebuild only if they conform to all codes and regulations



Proposed New Objectives

Objective 5.9 : The Town shall update data of critical facilities and create new strategies related to climate change impacts to infrastructure and shoreline protection.

- Analyze their ability to withstand projected sea level rise
- Plan for any required mitigation/relocation
- Work on shoreline stabilization in any erosion prone developed areas

Objective 5.10: In compliance with Florida Statutes 163.3178(2)(f)3, during this short-term planning period the Town will implement site development techniques and best practices that reduce losses due to flooding.

- Based on 6-10 inches by 2030



New objectives

Objective 5.11: The Town understands that its location between the Atlantic Ocean and Intracoastal Waterway places it in a challenging area. The Town will monitor and approach new coastal challenges as data is provided.

- Town to participate in regional coastal initiatives
- Required upgrades/repairs to drainage facilities will take place annually before hurricane season
- Town will make public announcements ahead of high tide events



Next steps

- This presentation will be made at the Commission meeting on September 26, 2019.
- We will work on updating the Coastal Management element of the Comprehensive Plan so these amendments can be added.



Peril of Flood

Questions?

Are we vulnerable?

Yes, as is most of coastal Florida.

- Frequency of storms
- Intensity of storms
- Accessibility to:
 - Emergency services
 - Evacuation routes
- Combination of factors:
 - Storms and surge
 - Rains and tides
 - Winds and rain

Slide 11

LC6

Do we really need this slide?

Linda Connors, 8/28/2019



Amendments

Objective 5.1: Continue to ~~enforce~~ remain consistent or more stringent than all applicable local, state, and federal coastal environmental and building regulations while providing for the appropriate development or operation of remaining vacant waterfront residential properties.

Policy 5.1.1: Continue to require building construction techniques, and additional flood resistant construction requirements remain either consistent with, or more stringent than, the requirements within the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. ~~in accord with the Florida Building Code.~~

Policy 5.1.2: Continue to enforce all regulations pertaining to the State's Coastal Construction Control Line as established pursuant to State Statute 161.053 be consistent with Chapter 161.



Amendments continued...

Policy 5.1.12: National Flood Insurance Program, Community Rating System: The Town will continue to participate in the Community Rating System administered by the National Flood Insurance Program. The Town shall continue to strengthen their sea-level rise adaptation strategies and work to reduce flood risk and losses, to improve their Community Rating Score.

Policy 5.3.3: The Town shall protect coastal areas for public benefit, and, using best practices, restore degraded coastal protection measures, including dunes, dune vegetation, and overall dune system while enforcing established access points to reduce foot traffic on the dune system.

Policy 5.4.4: Ensure that public and private developments in flood risk zones are built to an elevation that is the minimum, and where possible greater than, the required elevation for the current Community Rating Score of the National Flood Insurance Program working with the assumption of 6-10 inches by 2030 as stated by the Southeast Regional Compact on Climate Change.



Amendments continued...

Policy 5.6.3: Continue to adequately fund local maintenance and operation needs with respect to storm and floodwater drainage.

Policy 5.6.4: The Town shall recognize the risk of high tide flooding events, flash flooding, storm surge, and the impacts of a rising sea, and shall enforce all drainage facilities are properly maintained to reduce flood risk.

Policy 5.7.2: ~~In coordination with Broward County, identify in the post-disaster redevelopment plan criteria for limiting redevelopment due to the extent of damage suffered, the potential repeated damage and areas suitable for public acquisition that have been destroyed as a result of a hurricane.~~ County, State, and Federal agencies and programs, including the Flood Mitigation Assistance Program (FMAP), Repetitive Flood Claims (RFC), and Severe Repetitive Loss (SRL), the Town will continue to work with the State of Florida Division of Emergency Management, the Federal Emergency Management Agency, and the National Flood Insurance Program to mitigate flooding hazards through the acquisition, elevation, or relocation mitigation alternatives.



Amendments continued...

Policy 5.7.4: Investigate-Enforce the post-disaster redevelopment plan, ~~reduction of~~ and where possible work to reduce the densities in the coastal high hazard area.

Policy 5.7.7: The Town will develop and support public and private projects and programs to retrofit, relocate, or acquire properties susceptible to repetitive flooding.

Policy 5.7.8: The Town shall require all future development and redevelopment within flood hazard areas to require additional vulnerability reduction measures, including but not limited to additional hardening, higher finished flood elevations, or the incorporation of natural infrastructure for increased resilience.

Policy 5.7.9: Structures that are storm damaged over 50% of their most recent appraised value may be reconstructed only when the entire structure will then conform to all applicable regulations, including all land development regulations, Florida Building Codes, and coastal construction codes.



Amendments, continued...

Objective 5.9: The Town shall update data of critical facilities and create new strategies related to climate change impacts to infrastructure and shoreline protection.

Policy 5.9.1: The Town will maintain a list of critical facilities within areas vulnerable to repeat flooding and analyze the facilities' capacity to accommodate sea-level rise over the life expectancy of the infrastructure.

Policy 5.9.2: The Town shall develop strategies that identify how the Town will respond to impacts on critical facilities located in flood areas, considering the potential need and cost to maintain or relocate critical facilities from the areas expected to be affected.



Amendments continued...

Policy 5.9.3: The Town will enforce a shoreline stabilization strategy to protect and enhance the built and natural environments from erosion and sea-level rise impacts, prioritizing natural green infrastructure approaches. The Town shall assure shoreline stabilization strategies are found to be in the public interest, while taking into consideration the Town's vulnerability to climate change impacts. The Town shall consider public access to beaches, impacts to neighboring properties and the values and functions of beaches and coastal/marine systems, relative to shoreline stabilization strategies.

A. The proposed amendment shall be revised to include the following new objective 5.10 and policies in the Coastal Management Element to address site development techniques and best practices that reduce losses due to flooding, pursuant to section 163.3178(2)(f)3., F.S.



Amendments continued...

Objective 5.10: In compliance with Florida Statutes 163.3178(2)(f)3, during this short-term planning period the Town will implement site development techniques and best practices that reduce losses due to flooding.

Policy 5.10.1: The Town will incorporate a planning, design and permitting standard for infrastructure and public facilities that includes a sea-level rise assumption of 6-10 inches by 2030 as developed by the Southeast Regional Climate Compact. The Town shall review and update sea-level rise projections when new and pertinent data is available.



Objective 5.11: The Town understands that its location between the Atlantic Ocean and Intracoastal Waterway places it in a challenging area. The Town will monitor and approach new coastal challenges as data is provided.

Policy 5.11.1: The Town will participate in regional climate and coastal initiatives to remain informed, and as a leader in understanding and anticipating coastal challenges.

Policy 5.11.2: The Town recognizes the risk of high tide flooding events, flash flooding, storm surge, and the impacts of a rising sea, and shall enforce all drainage facilities are properly maintained to reduce flood risk. Facilities will be checked annually, allowing time to effect needed repairs prior to the Atlantic Hurricane Season (June 1), this includes pumping stations as well as drainage infrastructure. Routine maintenance and cleaning will occur on a monthly schedule and prior to major storm occurrences.

Policy 5.11.3: The Town will make public announcements regarding high tide events and provide proper traffic assistance.