



Town Commission
Jarvis Hall 4505 N. Ocean Drive

Regular Town Commission

Regular Town Commission

Tuesday, May 10, 2022, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. CALL TO ORDER, MAYOR CHRIS VINCENT

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

5. PRESENTATIONS

- 5.a. Proclamation for "National Police Week" and "National Peace Officers Memorial Day"
[5-10-22 AM National Police Memorial Day.pdf](#)
[National Police Week Proclamation.pdf](#)
- 5.b. Proclamation for "National Public Works Week"
[5-10-22 AM National Public Works Week.pdf](#)
[National Public Works Week Proclamation.pdf](#)

6. PUBLIC COMMENTS

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

- 8.a. Town Manager Report for May 10, 2022
[05-10-22 AM Town Manager Report.pdf](#)

9. TOWN ATTORNEY REPORT

10. APPROVAL OF MINUTES

- 10.a. Approval of Minutes: April 12, 2022, Town Commission Meeting & April 18, 2022, Special Town Commission Meeting
[5-10-22 AM Minutes.pdf](#)
[4-12-22 Commission Minutes.pdf](#)
[04-18-22 Commission Minutes.pdf](#)

11. CONSENT AGENDA

- 11.a. Award of Renewal Contract to Granicus for Agenda Management and Video Streaming Services -RFP No. 18-07-01 (Linda Connors, Town Manager)
[5-10-22AM Granicus Renewal.pdf](#)
[Ex. 1 AG2019-04 Granicus Agreement.pdf](#)

12. OLD BUSINESS

- 12.a. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES SECTION 2-
27 "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE PENDING REDESIGN
AND APPROVAL OF PLANS FOR EXPANSION OF THE SIDEWALKS ALONG
COMMERCIAL BOULEVARD, A1A, AND EL MAR DRIVE REPRESENTS AN
EXTRAORDINARY CIRCUMSTANCE JUSTIFYING THE CONTINUED WAIVER OF
CERTAIN REQUIREMENTS OF CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER
PUBLIC PLACES," SECTION 17-89 "SIDEWALK CAFE PERMIT STANDARDS AND

REQUIREMENTS," FOR SIDEWALK CAFES FROM APRIL 15, 2022 THROUGH NOVEMBER 10, 2022; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS.

[5-10-22 AM Extraordinancy Circumstances Sidewalk Cafes.pdf](#)

[Ex 1 - Resolution_2021-59_-](#)

[_LBTS_Extraordinary_Circumstance_Waiver_Extension 10.4.21.pdf](#)

[Ex 2 Commission Minutes 2022-01-25 - Regular.pdf](#)

[Ex 3 Resolution 2022-21 LBTS Extraordinary Circumstance Waiver Extension - Sidewalk Cafe 5.2.22 Draft v3.pdf](#)

- 12.b. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE CONTINUED USE OF CONNIE HOFFMANN PLAZA FROM APRIL 15, 2022 THROUGH JULY 31, 2022

[5-10-22 AM Use of Connie Hoffmann Plaza.pdf](#)

[Ex. 1 Res 2022-22.pdf](#)

- 12.c. Motion to Reconsider Resolution 2022-17

[5-10-22 AM Reconsideration of Procdures.pdf](#)

[Ex.1 - Resolution 2022-17 LBTS 2022 Commission Meeting and Agenda Procedures.pdf](#)

13. NEW BUSINESS

- 13.a. 2022 4th of July Celebration

[5-11-21 AM 2022 4th of July AM Special Event LC Edits.pdf](#)

[Ex 1 4th of July Special Event Application 042922.pdf](#)

[Ex 2 4th of July 2022 Town Sponsored Event Details.pdf](#)

[Ex 3 Example MOT for 2022 4thof July.pdf](#)

[Ex 4 El Mar Parking Stacking Memo.pdf](#)

- 13.b. Appoint a 75th Anniversary Committee Commission liaison and direct staff to explore the creation of an advisory committee for the 75th Anniversary events

[5-10-22 AM 75th Anniversary Committee.pdf](#)

[Ex.1 Sec. 7.3 of the Town Charter.pdf](#)

- 13.c. Pump Replacement - Sea Grape Lift Station (Ken Rubach, Deputy Town Manager/Public Works Director)

[5-10-22AM Replacement of Seagrape Lift Station Pump Final.pdf](#)

[Ex. 1 Pump Replacement Quote.pdf](#)

[Ex. 2 Ebara Sole Source Letter -City of Pompano Beach.pdf](#)

14. COMMISSIONER COMMENTS

15. ORDINANCES 1st Reading

- 15.a. Ordinance 2022-02 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" ARTICLE I "IN GENERAL," SECTION 30-11, "DEFINITIONS" AND ARTICLE V "ZONING," SECTION 30-311 "BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING".

[5-10-22 AM Ordinance 2022-02 Marine Structures.pdf](#)

[Ex.1 Ordinance 2022-02 Marine Structure Ordinance - LC Revisions 5-5-22.pdf](#)

[Ex. 2 Planning and Zoning Board Staff Report.pdf](#)

[Ex. 3 Table of Similar Business District Setbacks.pdf](#)

- 15.b. ORDINANCE 2022-03 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT

REGULATIONS," ARTICLE V "ZONING," SECTION 30-241(e) "INTRA LOT PLACEMENT" TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDINGS.

[5-10-22 AM Ordinance 2022-03, Building Separation.pdf](#)

[Ex. 1 Ordinance 2022-03.pdf](#)

[Ex. 2 Planning and Zoning Board Staff Report.pdf](#)

16. ORDINANCES 2nd Reading

17. RESOLUTIONS –“ PUBLIC COMMENTS

18. QUASI JUDICIAL PUBLIC HEARINGS

- 18.a.** Case Number 2022-L2-AA-01: Carol Ficks (applicant) -Level 2 Administrative Adjustment Request to Section 30-211(c)(2) to encroach into a required side setback.

[5-10-22 AM 262 Lombardy Administrative Adjustment.pdf](#)

[Ex 1 2022-L2-AA-01 262 Lombardy App and Plans.pdf](#)

[Ex 2 2022-L2-AA-01 262 Lombardy Planning and Zoning Board Report.pdf](#)

[Ex 3 2022-L2-AA-01 Town Code Section 30-139.pdf](#)

[Ex 4 2022-L2-AA-01 Development Order.pdf](#)

- 18.b.** 2021-L2-SPM-02 Site Plan Modification 4229 N Ocean Drive (Horizon by the Sea)

[5-10-22 AM Horizon By The Sea 4229 N Ocean.pdf](#)

[Ex. 1 Application and Plans.pdf](#)

[Ex. 2 Planning and Zoning Board Staff Report 4-27-22.pdf](#)

[Ex. 3 3-2021-L2-SPM-02 Citizen Participation Meeting Notes 3-15-22.pdf](#)

[Ex. 4 2021-L2-SPM-02 Development Order Horizon BTS.pdf](#)

19. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO 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.



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Captain Thomas Palmer

Submitting Department: Broward Sheriff's Office

Item Type: Presentation

Agenda Section: Presentation & Proclamation

Subject Title: Proclamation for "National Police Week" and "National Peace Officers Memorial Day"

Explanation: In 1962 President Kennedy and Congress designated May 15th each year as "National Peace Officers Memorial Day" and the week it falls in, "National Police Week", which is May 15-21, 2022. This proclamation recognizes and commemorates the dedication of police officers to preserve the rights of citizens and keep them and their communities safe.

According to the preliminary data compiled by the National Law Enforcement Officers Memorial Fund (NLEOMF):

458 federal, state, tribal and local law enforcement officers died in the line-of-duty in 2021. This is an increase of 55% from the 295 officers killed during the same period last year and is the highest total line-of-duty officer deaths since 1930 when there were 312 fatalities.

In 2021, officer fatalities ranged from automobile crashes to felonious attacks (e.g. firearm fatalities, stabbings, and being beaten to death). Of these tragic deaths, COVID-19 related fatalities were the single highest cause of officer line-of-duty deaths in 2021 (301 deaths). Firearms-related fatalities were the second most common cause of officer deaths, with 61 officers killed in 2021. The leading circumstance of firearms-related fatalities were officers killed in ambush attacks in 2021, a significant increase over only 6 such attacks in 2020.

Recommendation: Staff recommends the Commission issue a Proclamation for National Police Week and National Peace Officers Memorial Day.

Attachments: Ex.1 Proclamation for "National Police Week" and "National Peace Officers Memorial Day"



PROCLAMATION

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

WHEREAS, In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

WHEREAS, the International Association of Chiefs of Police has declared law enforcement officer safety and wellness a top priority, and the IACP's Center for Officer Safety and Wellness promotes the importance of individual, agency, family, and community safety and wellness awareness; and

WHEREAS, the members of our law enforcement agency for the Town of Lauderdale-By-The-Sea play an essential role in safeguarding the rights and freedoms of the citizens of the Town; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of the Town of Lauderdale-By-The-Sea has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service.

NOW, THEREFORE, I, Chris Vincent, Mayor of the Town of Lauderdale-By-The-Sea, Florida, Call upon all citizens of the Town of Lauderdale-By-The-Sea and upon all patriotic, civil and educational organizations to observe the week of **May 11-17, 2022 as "NATIONAL POLICE WEEK"** with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon Town citizens to observe **May 15, 2022 as "NATIONAL PEACE OFFICERS MEMORIAL DAY"** to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

In witness whereof we have hereunto set our
hands and caused this seal to be affixed.

Attest: _____
Katrina Adler, Acting Town Clerk
May 10, 2022

Chris Vincent, Mayor



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Proclamation

Agenda Section: PRESENTATIONS

Subject Title: May 15-21 National Public Works Week

Explanation: Attached please find a proclamation recognizing National Public Works Week and all the hard-working employees of the Town's Public Works Department.

Recommendation: Approve the proclamation

Attachments: Ex.1 Proclamation for "National Public Works Week"



PROCLAMATION

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

"Ready and Resilient"

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Lauderdale-By-The-Sea; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, beaches, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in **Lauderdale-By-The-Sea** to gain knowledge of and to maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and,

WHEREAS, the Town's Public Works Department – consisting of 20 employees who perform an incredible job of maintaining all of the Town's streets, plazas, medians, parks, grounds, beaches and buildings, and always keeps our Town looking clean and beautiful; and,

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, **Chris Vincent, Mayor**, do hereby designate the week **May 15-21, 2022, as "National Public Works Week"**; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

DONE at the Town of Lauderdale-By-The-Sea, Florida this _____ day of _____ 2022.

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

Attest: _____
Katrina Adler, Acting Town Clerk

Chris Vincent, Mayor



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Reports

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report for May 10, 2022

Explanation: Following is the Town Manager's report for May 10, 2022.

1. Staffing Changes

It is a hot market for hard workers and we have recently lost a few staff members to promotional opportunities and higher paying jobs. While we hated to see them leave, it gave the Town the opportunity to review these positions and rearrange work duties to better reflect the Town's current needs. I am pleased to announce the following:

Ken Rubach has been promoted and will now officially wear two hats – Deputy Town Manager and Public Works Director. Ken will oversee our public safety contracts (Police, Fire and AMR) and will also be the point person for the Solid Waste, Downtown Revitalization and other CIP projects.

Gordon Chase has been promoted to Maintenance Worker III and will be the lead employee for the downtown area. He will continue his work with the downtown businesses which will be expanded to assist in their compliance with the Town's sidewalk café and other code standards.

Katrina "Kitty" Adler is a new permanent hire for the Town. She has been working with our Development Services Department for the last year and has relocated to Administration as our Town Clerk.

In addition to these new positions, last week we interviewed for the two open Maintenance Worker I positions for Public Works and have extended job offers to two applicants last week. We have reviewed the applications we have received for the two part-time positions for the Visitor's Center and are currently scheduling interviews. The positions for Assistant to the Town Manager and a reorganized position to assist with special events, Special Events and Community Marketing Coordinator, has been advertised and we are waiting to schedule interviews once an appropriate number of applications has been received.

2. Terra Mar Sidewalk Update

Ken and I met with the City of Pompano Beach Assistant Town Manager and City Engineer on April 27th to review the safety issues on Terra Mar Drive. The City of Pompano Beach has agreed to the following measures:

- Conduct a speed study on the street (Completed – speeds did not identify speeding)
- Restripe Terra Mar Drive – completion date expected in June
- Contact FDOT and ask for a redesign of the intersection of Ocean and Terra Mar to slow the traffic

We will continue to keep you updated as to the progress of these improvements.

3. Farmer's Market

Sunday, May 1st was the last of our 9th Annual Farmer's Market under a License Agreement with Community Farmers Markets of South Florida, with very positive support from both visitors and residents. The Town staff looks forward to bringing back the Farmer's Market next year and is hopeful that the issuance of a new RFP for the event will provide us with new and creative ways to continue with this event.

4. Upcoming Meetings

With Steve d'Oliveira retiring, we have had some questions as to whether Bugfest will be happening and the answer is a resounding yes! The event, including "The Great American Bug Hunt" will happen once again around Florida's Lobster Mini Season (July 26 – 30) under the helm of our Special Event Manager Debbie Hime, who is an experienced diver and has experience with diving events and programs. Debbie will be bringing more information on the event at the May 24th meeting.

5. United Way Gala – Business Cooperation

The United Way's Gala coordinator contacted the Town to thank us for our support of the Broward County's Mayors Gala which was a huge success. The Gala included a Silent Auction and we want to thank many of our local businesses who replied to our request for donations, which raised over \$1700 for the United Way. A big thank you to Aruba Beach Café, Plunge Beach Resort, Village Grille, Digs n Gifts, Alexsandra's Café, Delacaseas Cafe, Argenti Jewelers, Kilwins Ice Cream, Sloan's Ice Cream, TacoCraft Taqueria, Frame n Art, and Coast Boutique for donations for the silent auction, and especially for helping increase LBTS awareness at this prestigious event.

6. Public Works Week

May 15 – 21 is Public Works Week. There are 20 employees in Public Works department which comprises half of all town employees. Mike Walker has been with us the longest (28 years) and our two newest employees have just been hired and will start shortly. The Department not only keeps the Town beautiful, but also ensures that infrastructure from our sewer systems to the street lighting as well as everything in between are properly maintained. This staff serves as the backbone of our community – and they touch just about everything that makes people love living here enabling everyone to "Relax". So – if you see our Public Works staff this week – in their grey and reflective uniforms – make sure you say Thank You! They work hard every day in making sure Lauderdale-By-The-Sea is THE place to live, work, and play.

7. Audio/Visual Update

As you all know, we've been experiencing some issues with our technology in Jarvis Hall over the past few years and while some incremental changes have helped in the interim, these were mostly temporary solutions to keep the legacy system we have in place functioning. The owner of Full Moon, Dwight Moon, and one of his A/V specialists reviewed our equipment to provide some recommendations. The two items he believes should be addressed immediately are the voting and audio systems. He is preparing a replacement plan for our immediate issues as well

as items that should be updated and will be included as part of the proposed FY23 Budget. I am confident that this will have a significant impact on the quality of the broadcasts of our meeting as well as the programming on the government channel and put us in a good position moving forward.

8. Upcoming Meetings

May 16	Downtown Redesign Workshop	Jarvis Hall	6:00 p.m.
May 24	Commission Meeting	Jarvis Hall	6:30 p.m.
May 26	Special Magistrate Meeting	Jarvis Hall	5:00 p.m.
June 1	Planning and Zoning Board	Jarvis Hall	6:00 p.m.



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Katrina Adler, Acting Town Clerk

Submitting Department: Administration

Item Type: Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of Minutes: April 12, 2022, Town Commission Meeting & April 18, 2022, Special Town Commission Meeting

Explanation: Approval of the following Town Commission Meeting Minutes:

- April 12, 2022 Town Commission Meeting
- April 18, 2022 Special Town Commission Meeting

Recommendation: Accept / Approve

Attachments:

Ex.1	April 12, 2022 Town Commission Meeting Minutes
Ex.2	April 18, 2022 Special Town Commission Meeting Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 12, 2022
6:30 PM

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, and Special Events and Marketing Manager Debbie Hime.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

John Graziano, resident, stated that residents of Terra Mar Island would like the Town to continue discussions with Pompano Beach on providing additional safety measures to Terra Mar Drive between A1A and the bridge. He felt the two municipalities should be able to reach an agreement to add features that would increase safety.

Ronald Rupp, resident, suggested that Pompano Beach consider adding yellow lines to Terra Mar Drive to designate a sidewalk area, and add a speed bump to control traffic. He expressed concern that pedestrians would continue to walk in the street.

Jon Haselton, resident, stated that while he had originally been in favor of adding a sidewalk on Terra Mar Drive, he was now in favor of painted lines to designate a pedestrian area.

Bill Ciani, resident, advised that he wished to reverse his earlier position on maintaining parking spaces in front of his tenant businesses in the Downtown area. He would like this area to be part of other Town plans for continued outdoor dining, as he plans to bring a restaurant into one of these properties.

Karen Sylvester, resident, confirmed that the current pedestrian environment on Terra Mar Island is unsafe, and she would like to see a sidewalk installed there.

Richard Malfitano, representing the Manor Club condominium, stated that 100% of this membership has voted in favor of adding a sidewalk on Terra Mar Drive due to safety concerns.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO March 2022

Captain Tom Palmer of the Broward Sheriff's Office (BSO) recognized Detective Danny Mursell and Detective Glenn Genovese as Deputies of the Month for March 2022.

Vice Mayor Oldaker noted the occurrence of unsafe driving practices at a number of locations on Commercial Boulevard, and pointed that he had not seen a BSO presence on this roadway in some time. Capt. Palmer replied that a Deputy had issued multiple citations for speeding on Commercial Boulevard the previous day. He cited additional locations in Town where dangerous driving occurs, and concluded that BSO will continue to address this issue.

Mayor Vincent commented that he had noticed a number of ride-sharing pick-ups and drop-offs on the sidewalk in the Downtown area north of Commercial Boulevard, and

expressed concern that ride-sharing services should be put on notice to discontinue this practice. Capt. Palmer stated that he has witnessed this activity as well, and suggested that the Town may wish to consider designating pick-up and drop-off locations or taking steps to close off dangerous areas.

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

8. TOWN MANAGER REPORT

a. Town Manager Report for April 12, 2022

Town Manager Linda Connors addressed the Downtown redesign, stating that the Town has hired consultant Hugh Johnson to participate in this process and has scheduled community meetings on April 20 and May 4, 2022, at 6 p.m. in Jarvis Hall. A Commission workshop has been scheduled for May 17, and the project will be brought forward to the Commission at their June 7 meeting. The Town will issue a blast email to residents and will meet separately with affected businesses.

Town Manager Connors recalled that resident Bill Ciani had requested that the Town reconsider the use of the parking spaces in front of his property on Ocean Drive, as stated during Public Comment. She requested direction on whether or not this should be added to the April 26, 2022 Commission Agenda for further discussion. There was Commission consensus to develop design options both with and without these additional spaces with consultant Hugh Johnson.

Town Manager Connors continued that she had included the Town Commission meeting calendar in the backup materials, as she would like to ensure this information is posted on the Town's website. Normally one meeting is eliminated in the months of August, November, and December due to summer and holiday breaks.

Commissioner Strauss pointed out that the May 4 community meeting is scheduled at the same time as a Planning and Zoning Board meeting. Town Manager Connors replied that Development Services Director Jhanelle Campbell plans to move the Planning and Zoning Board meeting to the following week.

Commissioner Pouloupoulos noted that he had a scheduling conflict with the April 20 Downtown redesign meeting, which he wished to attend. There was consensus to move this meeting date to April 19.

There was Commission consensus to proceed with single monthly meetings in the months of November and December, with a decision to be made regarding the August meeting(s) closer to that month.

Town Manager Connors continued that the Town's parking meters now accept American Express. Staff is now working to ensure this payment is also accepted at Town Hall. They have also worked closely with Conceptual Communications, which was hired to provide the Town's Public Information Officer (PIO) services. Thus far, blast emails have been sent out in advance of today's Commission meeting, and Conceptual Communications has drafted an edition of *Town Topics*. The Town will have social media accounts on the NextDoor, Facebook, and Twitter platforms, and Staff is working to finalize a social media policy. Residents may visit the Town website to register for updates on different issues.

The Town is updating its comprehensive Emergency Management Plan with consultant Whitt O'Brien, which will perform this update at just under \$15,000, or less than half the budgeted amount.

The Broward League of Cities' 65th Annual Gala is scheduled for May 13, 2022. The Town has budgeted a donation of \$5000 for this event. There was Commission consensus to proceed with this amount.

The Town is seeking volunteer applications for Visitors Center staff. The facility's hours of operation are currently 9 a.m. to 4 p.m.

Assistant to the Town Manager Neysa Herrera has tendered her resignation. Town Manager Connors thanked her for her assistance.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. Approval of Minutes: March 22, 2022 Special Town Commission Meeting & March 22, 2022 Town Commission Meeting**

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

11. CONSENT AGENDA

- a. Special Event Application from Even Keel Fish Shack for Rose Wall and Beverage Tasting Sunday, May 8, 2022**

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

12. OLD BUSINESS

- a. Discussion of Plaza Policies**

At this time Mayor Vincent opened public comment.

Ann Marchetti, resident, stated that she represented the interests of several Lauderdale-By-The-Sea restaurants including Ocean 101, Aruba Beach Café, Taco Craft, Even Keel, Village Grille, and Mulligan's. Since the onset of the COVID-19 pandemic, Town restaurants have been creative in their efforts to provide dining options, which included seating patrons in sidewalk café settings and in one-third of Ocean Plaza.

Ms. Marchetti characterized the proposed rent of \$8000/month as unusually high, describing the going rate for rental in the Town at approximately \$33 per square foot. She asked that the Town charge for plaza space in a manner similar to its charge for sidewalk café space. She noted that the restaurant owners and staff help to keep Plaza space clean and organized.

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

Town Manager Connors recalled that the Commission discussed this ongoing use of the Ocean Plaza at their January 25, 2022 meeting, recommending that Staff develop additional policies for this use. They were also asked to amend the existing policies which did not allow for restaurant use of the Plazas on a regular basis. She has partnered with the Town Attorney's Office to draft language for Commission consideration, with the intent of bringing the Item back as a Resolution after the

Commissioners have reviewed the policies and made any recommendations for change. The two locations in question are the Ocean and Dune Plazas.

Some of the items presented for discussion and deliberation include:

- Allowing eligible users, which are the adjacent Aruba Beach Café and Pier Restaurant, to rent one-third of the Plaza
- Additional requirements for cleaning and maintenance of the Plaza
- Recommended rental of \$8000 for purposes of discussion
- Continue to allow the rental of the Plaza by other organizations, with the clarification that Town businesses may rent the area no more than four times per year, Town nonprofit organizations to no more than two rentals per year, and out-of-town 501(C)3 organizations to one rental per year; if the Plaza is rented by other organizations more than 14 times per year, the Town would provide a refund to the restaurant(s)
- Restrictions similar to those in the sidewalk café agreements, including restrictions on use during holidays

Regarding the costs associated with the Plazas, Town Manager Connors recalled that these locations were originally built for public use. For this reason, the Ocean Plaza is a very different environment from the sidewalk cafés used by other Downtown restaurants, and the costs associated with renting the Plazas would differ accordingly. In addition, sidewalk café fees were established roughly nine to ten years ago; since the redesign of the Downtown area to accommodate these spaces, a number of significant issues have arisen, including the cost of maintaining pavers. Staff will bring back recommendations on increasing sidewalk café fees in order to support the costs of sidewalk maintenance.

Vice Mayor Oldaker commented that the proposed changes are not meant to be permanent: instead the Downtown restaurants are being granted use of these spaces for a specific amount of time. They are asked to apply for this use and abide by any rules associated with the agreement with the Town.

Vice Mayor Oldaker requested that the Town Attorney clarify the difference between sidewalk café licenses and rental of Plaza space. Town Attorney Trevarthen explained that both the Plazas and the sidewalks are public property, and both programs are in the nature of revocable licenses. What is offered is a program that allows public property to be used for private business.

Town Attorney Trevarthen continued that in order to make the agreement work for both the businesses and the Town, policies and conditions are included in the agreements for use of this public space. She emphasized that a revocable license is not at all like a landlord/tenant relationship.

Commissioner Pouloupoulos stated that he has been advised to refrain from voting upon this Item due to a personal conflict. He will file the appropriate paperwork to support his abstention. He has, however, been informed that he may participate in discussion of this issue.

Commissioner Pouloupoulos continued that he was in favor of the Town's continued support of its businesses. He felt the Town should continue to engage in partnership with these businesses, with compromises made on both sides. He was supportive of the concept of dividing Ocean Plaza in order to assist businesses that do not have sidewalk areas, and felt the matter should be discussed further with both the businesses and the public before a vote is taken.

Commissioner Malkoon recalled that over the past two years, the Commission has done what it could to support Town businesses that were affected by the pandemic, including the waiver of parking and sidewalk café fees, greater lenience with regard to Code, and other efforts, such as the use of Plaza space and parking spaces for outdoor dining. At present, however, the Town's restaurants have recovered. He characterized the continued use of outdoor dining space as a want rather than a need, stating that the Plazas represent civic space and should be preserved for residents and visitors.

Mayor Vincent recalled that the COVID-19 pandemic has led to various lifestyle changes, which include potential changes to the use of the Ocean Plaza. He felt the use of this space by restaurants has been successful, and that the previous two years have served as a trial period for the proposed change. He also noted that any changes will not be granted in perpetuity, as there is the potential for additional policy changes in the future.

Commissioner Strauss advised that he agreed with the Mayor and Vice Mayor that the Commission would have the opportunity to revisit this issue annually to ensure it is still working as intended. He noted that this concept will also apply to the fees charged for the use of public space.

Vice Mayor Oldaker recommended review of the proposed agreement prior to determining consensus on how to proceed.

Town Manager Connors stated that the first paragraph addresses eligible users of the Ocean Plaza, allowing for the limited rental of the Ocean and Dune Plazas by Town-based businesses and nonprofit entities as well as out-of-town nonprofit entities. The spaces would not be rented for events that are not open to the general public. It also allows for the Town to authorize private use of the Dune Plaza for a significant event that benefits the Town.

The Ocean Plaza may also be used in this way, with the addition that restaurants adjacent to this space, the Aruba Beach Café and the Pier Restaurant, may use the portion of this Plaza that is located closest to their businesses. This means Aruba may continue within the area it is currently using, with the Town to retain the center third of the space and the remaining third of this space to be used by the Pier Restaurant.

Vice Mayor Oldaker addressed the first paragraph's use of the phrase "one third," pointing out that there are no dimensions drawn to indicate this space. He recommended that the common area of the Plaza include the line of palm trees. Town Manager Connors noted that these trees would currently serve as the border between the common and the rented area, as they provide a natural border area through the empty space between the trees and the end of the wall.

Vice Mayor Oldaker explained that he did not want the trees to be seen as structures when they are part of the Plaza. Town Manager Connors pointed out that because the south end of the Plaza is not currently being used, Staff could propose different barrier scenarios for the Commission's approval.

Mayor Vincent noted that both Mulligan's and the Village Grille are adjacent to the Dune Plaza; should they wish to use this space in the future, they would have to cross a lane of traffic to reach the space, while this condition does not exist for the restaurants proposing continued use of the Ocean Plaza. He emphasized the difference between the potential uses of the different Plazas.

[A brief recess due to technical issues occurred at this time.]

Town Manager Connors continued that the next section of the proposal addresses fees and costs of Plaza dining options. For purposes of discussion, this section refers to a nonrefundable rental fee of \$8000 for each restaurant, which would be charged monthly; in the event the Plaza is used by the Town for more than 14 days throughout the year, the Town would reimburse the costs to either restaurant. The amount would

be pro-rated and paid in advance, and the restaurant would inform the Town of the months in which they would like to use the Plaza space. If they do not provide this information, the Town assumes a 12-month rental.

Mayor Vincent asked how the \$8000 fee was calculated. Town Manager Connors replied that this figure was recommended to her by one of the restaurants.

Mayor Vincent asked if the intent is to keep these fees in line with the costs associated with sidewalk cafés. Town Manager Connors explained that this had not been her intention, as the two options are different; in addition, the costs of sidewalk cafés have not been revisited by the Commission in over 10 years. For the purposes of tonight's discussion, the \$8000 was entirely arbitrary.

Mayor Vincent requested clarification that the restaurant which had suggested the \$8000 figure intended to use the Plazas itself. Town Manager Connors confirmed this.

Mayor Vincent asked for additional clarification of the difference between sidewalk cafés and the proposed Plaza program. Town Manager Connors stated that this was due to the elevation of importance of the space; in addition, the Town's sidewalk cafés are not oceanfront space. She emphasized that the Plazas were designed as public space.

Mayor Vincent pointed out that it has not been determined yet whether the original intent of the Plazas as public space is currently more important than their proposed use by the restaurants. Town Manager Connors replied that Staff recommends the Town recognize the benefit of using oceanfront plaza space and charge a fee that is commensurate with its use. Mayor Vincent advised that his intent was to determine how the \$8000 figure for discussion purposes was determined, based upon square footage and the premium associated with use.

Mayor Vincent also asked if the Town would be saving money by no longer being responsible for the full Plaza area, as the restaurants would be paying for the use of some space and maintaining its upkeep. Town Manager Connors stated that the restaurants renting the Plaza space would take over the responsibility of upkeep of their space.

Town Manager Connors continued that the current cost of sidewalk cafés, which was established 10 years ago, is \$18 per square foot. In addition, the Commission asked the restaurants with sidewalk cafés to pay a daily fee associated with cleaning the sidewalk, based on the square footage of each sidewalk café. This is currently three cents per

square foot. She reiterated that Staff believes these costs should be revisited and possibly updated.

Mayor Vincent estimated that a restaurant using 100 square feet of sidewalk café space is paying \$1800 annually. If this premium were applied to Plaza space it would come to approximately \$1500/month, not including the costs of cleaning.

Development Services Director Jhanelle Campbell reported that the sidewalk café fee is \$18/sq. ft. on the east side of Town; the western Plazas pay \$10/sq. ft. With regard to cleaning, the Ordinance passed to address this established a cost of three cents per square foot, with cleaning to occur up to five times per week. The addition of cleaning costs would significantly increase the cost of rental by an estimated \$3000 or more per year.

Commissioner Strauss observed that as public space approaches the beach, the costs per square foot tend to increase incrementally and could differ from one Plaza to another as well. Town Attorney Trevarthen clarified that the policy to which the Town Manager had referred was not written with the intent of bringing dining space into the Dune Plaza.

Town Manager Connors suggested that the proposed costs of Plaza space be presented for discussion at a subsequent meeting, along with the proposed increases in sidewalk café space, in order to consider these two types of spaces as similar to one another.

Commissioner Malkoon asked if the Town is aware of similar use of public plaza space by a private entity in other locations. Town Manager Connors confirmed that they are not. Commissioner Malkoon continued that the uniqueness of this circumstance would lead to a different type of calculation than sidewalk café space. He recalled that during the height of the COVID-19 pandemic, the Downtown sidewalks were used to house tables and the full right-of-way was blocked off to accommodate this use. While he was not in favor of the private use of civic space, he suggested providing additional tables and vacating the nearby sidewalk right-of-way as another option.

Mayor Vincent commented that the design of the space is less important than establishing the proper cost or fee for premium public space. Commissioner Malkoon reiterated that he was not in favor of setting this fee or allowing for private use of this space.

Mayor Vincent stated that when the costs are brought back in a discussion of updated sidewalk café rates, the conversation should also include historical data on these costs. Vice Mayor Oldaker added that there will also need to be a full calculation of the exact square footage proposed for private use.

Commissioner Strauss requested clarification that the cleaning costs would remain the same regardless of whether the space is located on the east or west side. This was confirmed.

The next paragraph of the proposal addresses conditions for dining, which are similar to those set forth in the regulations governing sidewalk cafés. It includes approval of furniture by the Town, allocation of a certain number of tables based on the requirements of Florida Building Code, requirement to remove furniture if a hurricane warning is issued, requirement to empty trash cans located adjacent to the Plaza, and payment for any damages to the pavers, landscaping, or other public improvements.

The next paragraph addresses indemnification, while the next paragraph deals with use of the Plaza on holidays: the Commission may decide to make the Ocean Plaza for use by other commercial businesses or nonprofit organizations that serve Town residents on specific holidays. Town Manager Connors explained that this was included because the Town permits use of the Plaza during Chanukah. Rentals for Plaza dining will not be considered on days or evenings in which special events with which this would interfere or conflict are planned. Town Manager Connors asked if the Commission wishes to continue allowing use of the Plaza on days such as the Fourth of July, when Downtown is typically busy.

Mayor Vincent addressed a clause which states that the renter would pay the Town's costs to replace any and all landscaping or public improvements, including pavers, which are damaged or stained as a result of private use. He recommended that the Town evaluate the condition of these items prior to rental and document this condition with photos, and that language to this effect be inserted into a contract.

Vice Mayor Oldaker also addressed paragraph 3, Item C, which deals with the emptying of trash cans adjacent to the rented areas of Ocean Plaza. He requested clarification of this requirement. Town Manager Connors explained that there have been issues in the past with sidewalk cafés using Town garbage cans for their own overflow. The intent is to include trash cans in the general vicinity, and to designate which receptacles the restaurants would be responsible for emptying.

Town Manager Connors asked if the Commission wished to limit the use of the Plaza for dining on the same day as a planned special event, or if they wished the restaurants to be able to continue using the space. Commissioner Strauss suggested that the Town designate specific days, such as the Fourth of July, Memorial Day, Veterans' Day, or Labor Day, on which the Plaza would be reserved for Town use. This would give the restaurants sufficient time to plan for the loss of that space on certain days. It was clarified that this would also apply to Town-sponsored events, such as Christmas-By-The-Sea or Bugfest.

Commissioner Pouloupoulos asked if there are any non-Town-sponsored events for which the Ocean Plaza is used. Town Manager Connors replied that while there have been no such events thus far, the Town's policy for its Plazas allows for their rental for non-Town-sponsored events. She cited the example of the Arts and Crafts Fair, which was previously sponsored by the Chamber of Commerce.

Commissioner Malkoon asked if this would also apply to events such as dances. Town Manager Connors explained that this is a Town-sponsored event. She asked the Commissioners if they wished the restaurants to remove their tables from the Plaza on these days, if they would allow the restaurants to continue their use of the space, or if they wished to enumerate other holidays.

Town Attorney Trevarthen noted that there have been no business-sponsored special events planned in the Plaza in the past. Commissioner Pouloupoulos asked if the Town might wish to leave this option open. It was noted that this contingency is included in the document for up to 14 days per year, with 30 days' advance notice.

Peggy Mohler, owner of the Aruba Beach Café, recalled that during Town events such as Chanukah and Bugfest, the restaurant had continued its use of the Plaza. She emphasized the partnership aspect of the agreement between the restaurants and the Town for use of the Plaza space.

Mayor Vincent asked if there had been an opportunity for Ms. Mohler to review the proposed policies with the Town Manager. Ms. Mohler replied that there has been no previous dialogue about these policies. Mayor Vincent recommended that the two affected restaurants may want an opportunity to discuss this further with Town Staff before any decision is made.

Ms. Mohler also emphasized that Aruba's employees maintain the area and keep it clean, and do not use the Town's trash cans. She felt the proposed contract should be

based on the past two years' experience of the Town working with the subject restaurants.

Ken Brenner, resident, noted that if the restaurants and the Town enter into an agreement with which they are not pleased, they may rescind or amend that agreement. He also noted that fees may be set by Resolution and can also be amended.

Town Manager Connors noted that many of the items included in the proposed contract are already included in the Plaza policies that were adopted by the Commission, and many of the issues raised during discussion of the proposed contract also apply to sidewalk cafés. She pointed out that Staff must consider any issues that have arisen in the past, or that may occur in the future, when drafting the document: it is not related to the specific performance of a business with which the Town has partnered for the use of public space.

Town Manager Connors continued that the contract stipulates there may be no sales of manufactured products in Ocean Plaza during the rental period, and the Town reserves the right, with notice, to require a renter to remove furniture during Town-sponsored events. Approval of the rental of Ocean Plaza is conditional at all times, and the renter has no vested right. The Town Manager may revoke the contract if its requirements, or Town Code, are broken, or if the renter fails to pay required fees or exceeds the approved square footage.

Town Manager Connors concluded that this outlines the proposed agreement for the use of Ocean Plaza. She did not recall any significant changes that would apply to the use of Dune Plaza, although she reiterated that Staff does not recommend renting this space to adjacent restaurants, as there are traffic-related concerns.

Mayor Vincent asked if the Dune Plaza might also be rented for other uses. Town Manager Connors reiterated that this Plaza's location makes its conditions very different from those associated with the Ocean Plaza. She recalled that the Town has previously attempted to hold events in this space, but has been less successful due to the dangers posed by traffic.

Town Manager Connors summarized the discussion, including the combination of some paragraphs. She reiterated that the costs associated with Plaza rental would be brought forward at the same time that costs associated with sidewalk cafés are brought forward for review and potential update, following discussions with the affected businesses.

Town Manager Connors added that she would also ask Town Staff to look at the other side of the Plaza to ensure a clear understanding of the space involved and to provide the Commission with options. This would also follow her discussions with the restaurant owners who would be using the Plaza.

Town Manager Connors recommended not scheduling a specific date on which this discussion would be brought back, as Staff will need to update the document discussed tonight and meet with the Commissioners and affected businesses. Costs will not be estimated until Staff has met with all of the restaurateurs and sidewalk café owners in the Downtown area during summer 2022.

13. NEW BUSINESS

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

f. Terra Mar Sidewalk Discussion

At this time Mayor Vincent opened public comment.

Mary Ellen Renuart, Secretary of the Terra Mar Island Civic Association, stated that the island's configuration with one entrance and exit makes it perfect for pedestrian activity. She cautioned, however, that there is no pedestrian access from the bridge on Terra Mar Drive to A1A, nor is there a way to warn drivers that pedestrian use is high in this area.

Ms. Renuart continued that the Town has indicated they would like to address this issue by providing a sidewalk, marking the roadway, providing signage, or other traffic calming actions, such as installing speed bumps. In the area where vehicles turn from A1A onto Terra Mar Drive, there is no signage to slow drivers. Ms. Renuart requested that the Town address this issue and identify a solution before there is an accident in the area.

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

Public Works Director Ken Rubach provided a brief overview of the history of Terra Mar Island, recalling that in 2018 a proposal from Pompano Beach was brought before the Town which stated that that city was issuing a bond to pay for the bridge. The Town

agreed to participate in this process. Residents met with Pompano Beach to discuss the bridge and expressed a desire to have a sidewalk installed as well.

In 2019 and 2020, there were conversations indicating that the installation of a sidewalk was not part of the bond issue and would be approached as a separate project when funds were available for it. After another year, Pompano Beach prepared two proposals, one of which would cost roughly \$167,000 and another for \$175,000, using pre-design figures. The Town Engineer reviewed these proposals and advised that these estimated amounts may be low.

Public Works Director Rubach continued that this Item has been brought forward to determine the Town's level of interest in pursuing a sidewalk. If not, Staff may continue working with Pompano Beach to identify another solution to address Terra Mar Island residents' needs and concerns.

Commissioner Malkoon advised that there have been multiple suggestions regarding a proposed sidewalk, and asked if there may be an opportunity for the Town to contribute to striping the area if Pompano Beach chooses to pave it. Public Works Director Rubach explained that Florida Statutes do not allow pedestrians to walk on pavement unless there is no sidewalk; however, if an entity begins striping the area, that entity assumes liability if a pedestrian in the striped area is struck by a vehicle.

Public Works Director Rubach continued that residents have suggested other options, such as a speed hump or signage. He has also looked into the possibility of a bike lane. He pointed out that there are issues with parking on both sides of the subject area, as there would need to be a buffer area between parking spaces and a bike lane, which may not be possible. He felt speed humps or signage could be "easy fixes" for the problem, and that Pompano Beach may be amenable to these options.

Commissioner Malkoon asked if Pompano Beach has plans to pave the roadway. Public Works Director Rubach replied that paving is not included in the interlocal agreement related to the bridge project. This agreement is for the substructure and the pavement deck. Paving the entire street is also not mentioned in Pompano Beach's general obligation bond.

Commissioner Malkoon suggested that if it becomes clear that Pompano Beach plans to move forward with paving the roadway, the Town may be able to contribute some funds toward any project following paving, such as striping or providing speed humps. He added that another possibility could be for the Town to make improvements several

years into the future and invite Pompano Beach to participate in that effort. He concluded, however, that in principle, he took issue with the idea of the Town spending its own funds on another municipality.

Public Works Director Rubach advised that Pompano Beach undertook efforts to improve the bridge on its own, although the bridge is evenly divided between that city and Lauderdale-By-The-Sea. The right-of-way, however, is fully owned by Pompano Beach, and they ultimately control what can be done to that area.

Commissioner Malkoon asked what liability the Town might incur if they provided striping or a speed hump in the area and damage to a vehicle occurred. Town Attorney Trevarthen advised that there is a required process for the installation of traffic calming measures which takes these possibilities into consideration. The Town would need to hear the opinions of the professionals who advise on these potential solutions.

Vice Mayor Oldaker asked if it would be possible to identify a representative from Pompano Beach, whether it is an elected official or another entity, with whom the Town can work to reach a solution on this issue. Public Works Director Rubach stated that over the last three years, there has not been a favorable response from any elected official of that city: Town Staff has primarily worked with Pompano Beach's city staff to reach a point at which the Town's proposal for improvements to the right-of-way is being discussed. He recommended that he keep working with Pompano Beach's city engineer as a contact.

Commissioner Strauss asked if Pompano Beach would give the Town permission to make improvements using the Town's own money. Public Works Director Rubach replied that Pompano Beach's city engineer has indicated they would be open to permitting the Town's use of Pompano Beach right-of-way to make improvements. He added that the figures quoted earlier are likely within the range of actual costs.

Commissioner Strauss asked what might change if Terra Mar Island came up with funds on its own for the proposed improvements. Public Works Director Rubach advised that while Pompano Beach would likely allow this, it would still need to be accomplished through an interlocal agreement in which the Town acted as contractor for the project.

Commissioner Pouloupoulos asked if the Terra Mar Island Civic Association has reached out to Pompano Beach to ask them to make improvements other than the addition of a sidewalk on their right-of-way. It was clarified that Pompano Beach had originally proposed a sidewalk. When Terra Mar residents asked if they could participate in the

design of the sidewalk, they had first indicated willingness; however, they have since come to the conclusion that Lauderdale-By-The-Sea should be responsible for improvements.

Vice Mayor Oldaker pointed out that the budget process for all municipalities will begin over the next few weeks, and the Commission may revisit this issue as part of that process. He noted that there are other issues such as the Hibiscus Drive crosswalk which took a number of years to accomplish.

Public Works Director Rubach reiterated that any process involving design and construction is a slow-moving effort, and the intent was to determine whether or not the Commission wished Staff to explore this issue further.

Mayor Vincent stated that the figures quoted earlier are only estimates, and the actual cost of improvements could be significantly higher than anticipated. He concluded that he was in favor of continuing this dialogue toward improving Terra Mar Drive, and that Pompano Beach should be involved in some manner. He agreed that this can be considered for inclusion in the Town's Capital Improvement Program (CIP) during the upcoming budget process.

Public Works Director Rubach confirmed that Town Staff would reach out to Pompano Beach staff once again for further discussion.

a. Designation of Vice Mayor

Assistant to the Town Manager Neysa Herrera advised that the Town Charter calls for the designation of a Vice Mayor to preside in the absence of the Mayor. No individual member of the Town Commission may serve two consecutive terms as Vice Mayor. Tonight's Agenda also includes the adoption of Resolution 2022-14 under Item 17a, which designates a Commissioner as Vice Mayor.

Vice Mayor Oldaker nominated Commissioner Malkoon for the position of Vice Mayor.

Mayor Vincent advised that he felt Commissioner Strauss has earned the opportunity to serve as Vice Mayor following the results of the 2022 election. He clarified that this was not a formal motion.

Commissioner Malkoon indicated his willingness to serve as Vice Mayor if the nomination is seconded. Commissioner Strauss stated that he would also be willing to accept this position.

Commissioner Poulopoulos seconded the nomination of Commissioner Malkoon. Motion carried 5-0.

b. Appointment of a Town Representative to the AMR Review Board (EMS Review Committee)

Assistant to the Town Manager Herrera recalled that Vice Mayor Malkoon has served on the American Medical Rescue (AMR) Review Board since 2018. This Board consists of AMR's Medical Director and AMR Staff, and examines patient care reports, and ensures the protection of information under federal law. They typically meet on a quarterly basis.

Commissioner Poulopoulos indicated his interest in this position.

Vice Mayor Malkoon made a nomination, seconded by Commissioner Oldaker, to appoint Commissioner Poulopoulos to the AMR Board. Motion carried 5-0.

c. 2022-23 Broward League of Cities, Board of Director Appointments

Assistant to the Town Manager Herrera advised that under the Broward League of Cities' By-laws, each municipality shall appoint a Director, Alternate, and Second Alternate to attend and vote at any Board of Directors or General Membership meeting for the League. At present, Vice Mayor Malkoon is the Director representing Lauderdale-By-The-Sea, Commissioner Strauss serves as Alternate, and Mayor Vincent is Second Alternate. The new term will begin on May 13, 2022 and end in May 2023.

The Commissioners determined by consensus that these positions would remain the same for the next term.

Commissioner Oldaker made a motion, duly seconded, to keep the status quo. Motion carried 5-0.

d. Appointment of a Town Representative to the Broward Metropolitan Planning Organization (MPO)

Assistant to the Town Manager Herrera stated that the Broward Metropolitan Planning Organization (MPO) Board is comprised of 25 voting members who are representatives of local governments. They are responsible for developing transportation plans within the planning area, transportation, and funding allocations in Broward County. Commissioner Oldaker is the Town's current representative to the MPO.

Commissioner Oldaker indicated his willingness to continue as the Town's representative.

Vice Mayor Malkoon made a motion, duly seconded, to reappoint Commissioner Oldaker to the Broward MPO. Motion carried 5-0.

e. Appointment of a Town Representative to the Hillsboro Inlet District

Commissioner Strauss advised that he has served as the Hillsboro Inlet District's representative for the last four years. This District meets one Monday night per month.

Commissioner Oldaker made a motion, seconded by Commissioner Pouloupoulos, for Commissioner Strauss to continue as Hillsboro Inlet District representative. Motion carried 5-0.

g. Commission Meeting Procedures

It was determined by consensus that discussion of Commission meeting procedures would be postponed until the April 26, 2022 meeting.

14. COMMISSIONER COMMENTS

Vice Mayor Malkoon thanked outgoing Assistant to the Town Manager Neysa Herrera for her service to the Town.

Vice Mayor Malkoon recalled that he recently attended a Broward League of Cities meeting at which there was discussion of the interlocal agreement (ILA) that has been in development regarding waste management in the Broward area. This document will be presented for approval later in 2022. He also noted that he has worked with Special Events and Marketing Manager Debbie Hime to discuss potential plans for the Town's 75th anniversary celebration, and requested that a Committee comprised of residents, businesses, and Staff be seated to address this event.

Commissioner Pouloupoulos also recognized Assistant to the Town Manager Herrera for her service to the Town.

Mayor Vincent also thanked Assistant to the Town Manager Herrera for her service, particularly during the difficulties of the COVID-19 pandemic.

Commissioner Strauss recognized the Assistant to the Town Manager as well, and congratulated Vice Mayor Malkoon on his new position.

Commissioner Oldaker thanked Assistant to the Town Manager Herrera for her service and assistance, and congratulated Vice Mayor Malkoon as well. He added that he felt there should be signage showing the names of the Town's Plazas at their locations.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2022-14 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF EDMUND MALKOON AS VICE MAYOR; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

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

- b. Resolution 2022-15 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING RESIDENT MEMBERS TO THE FIREFIGHTERS

**PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR
CONFLICTS AND FOR AN EFFECTIVE DATE.**

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

Vice Mayor Malkoon noted that one prospective appointee to the Firefighters Pension Trust Fund Board has also submitted an application to serve on the Planning and Zoning Board. Town Attorney Trevarthen advised that the same individual may not serve on both Boards, as each position is considered an office. She added that there are no alternates to this Board.

Vice Mayor Malkoon nominated Ken Brenner to the Firefighters Pension Trust Fund Board. Commissioner Pouloupoulos nominated Paul LaCoursiere.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to endorse these two nominations. Motion carried 5-0.

**c. Resolution 2022-16 – A RESOLUTION OF THE TOWN OF
LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING MEMBERS TO
THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICT;
PROVIDING FOR AN EFFECTIVE DATE.**

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

Mayor Vincent nominated Wayne Dillistin to the Planning and Zoning Board. Commissioner Strauss nominated Randy Whitford, Commissioner Oldaker nominated Ron Piersante, Vice Mayor Malkoon nominated Karen Sylvester, and Commissioner Pouloupoulos nominated Patricia Omana. Mayor Vincent nominated Denise Lambert as Alternate.

It was noted that the position of Second Alternate will be vacant for the time being, and the Town will continue to solicit applications for this seat.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Strauss, to nominate the above slate as appointed. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

Town Manager Connors advised that due to technical difficulties with the microphone system, she had spoken with representatives of consultant Conceptual Communications, who had recommended their replacement. She noted that the cost of replacing this equipment may exceed the Town Manager's spending authority of \$15,000. While the microphones do not fall under the category of emergency expenses, she recommended that their purchase be expedited in order to continue Town meetings uninterrupted.

Town Attorney Trevarthen stated that the Commission may grant the Town Manager authority to seek out the best possible deal for this equipment and bring the purchase back for Commission ratification.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve the authority for the Town Manager to spend over \$15,000 for a new microphone system. Motion carried 5-0.

With no other business to come before the Commission at this time, the meeting was adjourned at 9:58 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk

Date



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Monday, April 18, 2022
5:00 PM

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 5:00 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Attorney Susan Trevarthen, Town Manager Linda Connors, and Assistant to the Town Manager Neysa Herrera.

2. PLEDGE OF ALLEGIANCE

3. OLD BUSINESS

a. Motion to reconsider appointments to the Planning and Zoning Board and the Firefighters Pension Trust Fund Board of Trustees made on April 12, 2022

Town Manager Linda Connors explained that the Commission made their Board appointments to the Firefighters Pension Trust Fund Board of Trustees and the Planning and Zoning Board at the April 12, 2022 meeting. Following that meeting, it was discovered that a clerical error had occurred and some applications were not included in the Commissioners’ information packets for their consideration. Commissioner Oldaker has requested that the Commission reconsider the Resolutions that led to their appointments so all applications may be properly considered.

Commissioner Oldaker further clarified that he had reached out to Town Staff to determine how to proceed with reconsideration in order to provide full transparency to the community. He requested that the Town Attorney revisit the issue of dual appointments, as one individual had submitted applications to both advisory bodies. Town Attorney Trevarthen explained that the Florida Constitution includes a provision which prevents the appointment of an individual to more than one Board which is considered an office. Appointments to both the Pension Trust Fund Board of Trustees and the Planning and Zoning Board may both be considered offices, as indicated by

some of the opinions issued by the Florida Attorney General as well as the roles of both Boards under the Town Charter.

Mayor Vincent requested further clarification of the difference between a board on which service is considered office and an advisory board only, pointing out that the Town clearly considers the Planning and Zoning Board to be an advisory entity rather than representing an office. Town Attorney Trevarthen replied that the Florida Constitution considers membership to the Planning and Zoning Board to be an office due to its service as Local Planning Agency (LPA). While there have been multiple opinions on this issue by Attorneys General, it was her opinion and recommendation that service on both entities would constitute dual office, which is prohibited.

Mayor Vincent asked if the Town should consider changing the language in which its Charter refers to the Planning and Zoning Board in order to ensure it is considered only an advisory body in the future. Town Attorney Trevarthen replied that the Commission may bring back a Discussion Item on a future Agenda to discuss this possibility.

Commissioner Oldaker made a motion, seconded by Commissioner Pouloupoulos, to reconsider the prior appointments to the Planning and Zoning Board. Motion carried 5-0.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to reconsider the prior appointments to the Firefighters Pension Trust Fund Board of Trustees. Motion carried 5-0.

4. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2022-15 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING RESIDENT MEMBERS TO THE FIREFIGHTERS PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Ken Brenner, resident, stated that the size of Lauderdale-By-The-Sea means there is a limited pool of residents who may volunteer for service on any advisory bodies. He noted that there are municipalities of similar size throughout the country which have raised similar questions regarding board membership, and requested clarification of

whether or not combined advisory entities, such as the Board of Adjustment and Planning and Zoning Board, constitute dual office. He concluded that while he would accept the opinion provided at tonight's meeting, he wished there to be greater clarity on this issue.

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

It was clarified that the Commissioners would follow the same appointment procedure as from the April 12, 2022 meeting.

Vice Mayor Malkoon nominated Ken Brenner to the Firefighters Pension Trust Fund Board. Commissioner Pouloupoulos selected William Johansen.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, for the two appointments of Ken Brenner and William Johansen. Motion carried 5-0.

b. Resolution 2022-16 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING MEMBERS TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment, which he closed upon receiving non input.

Mayor Vincent nominated Wayne Dillistin to the Planning and Zoning Board. Commissioner Strauss nominated Randy Whitford, Commissioner Oldaker nominated Ron Piersante, Vice Mayor Malkoon nominated Howard Goldberg, and Commissioner Pouloupoulos nominated Patricia Omana. Mayor Vincent nominated Denise Lambert as First Alternate, and Commissioner Strauss nominated Karen Sylvester as Second Alternate.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve the whole slate of BOA/Planning and Zoning Board nominees. Motion carried 5-0.

5. ADJOURNMENT

Lauderdale-By-The-Sea
Special Town Commission Meeting
April 18, 2022

With no other business to come before the Commission at this time, the meeting was adjourned at 5:20 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk

Date



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Linda Connors

Submitting Department: Administration

Item Type: Discussion Item

Agenda Section: Consent

Subject Title: Renewal Contract to Granicus for Agenda Management and Video Streaming Services – RFP No. 18-07-01 (Linda Connors, Town Manager)

Explanation:

On January 31, 2019, the Town entered into a professional services agreement (**Exhibit 1**) with Granicus (the “Contract”) for agenda Management and Video streaming services (the “Services”). The Contract was set for a 36-month period with one additional renewal term of 3 years, which required 30 days’ notice from expiration.

Unfortunately, the date recorded in the vendor registry system that is used to track agreements incorrectly showed the Contract not expiring until January 30, 2023, rather than January 30, 2022.

Section III.L.4. of the Purchasing Manual authorizes the Town Manager to exercise renewal options in Commission approved contracts after providing the Commission with notice of the Town Manager’s intent to do so. It has been past practice to annually schedule a comprehensive review of all contracts that have a renewal option and present it to the Commission so that the Commission can provide feedback regarding contract renewals. However, due to the error in the vendor registry system, the Town Manager did not include this Contract in the agenda memorandum advising the Commission of the intent to renew current expiring contracts that was brought forward to the Commission earlier this year. The Town Manager is now requesting Commission feedback on the renewal of the Contract.

Recommendation: If the Commission has no objection, the Town will send out the renewal letter to Granicus to renew the Contract for an additional three-year term, retroactive as of January 31, 2022 through January 30, 2025.

Attachments:

Ex.1 – AG2019-04 Granicus Agreement

Reviewed by Town Attorney:

☒	Yes	☐	No
-------------------------------------	-----	--------------------------	----

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

This Agreement for Video Streaming and Agenda Management Services, made and entered into this 31 day of January 2019, by and between the Town of Lauderdale-By-The-Sea, a Florida municipal corporation (the "Town") and Granicus, (the "Contractor").

WHEREAS, on July 2, 2018, the Town issued Request for Proposals No. 18-07-01 for Video Streaming and/or Agenda Management Services ("RFP"); and

WHEREAS, on January 22, 2019 the Town Commission approved the award of the RFP to Contractor, the lowest, responsible, responsive bidder whose bid is in the best interest of the City; and

WHEREAS, the Town desires to contract with Contractor for the provision of video streaming and/or agenda management services as provided for in the RFP ("Services"), and the Contractor desires to contract with the Town to provide the Services.

WITNESSETH:

The parties, in consideration of the sum of ten dollars and other good and valuable consideration, paid in hand to each other, the receipt and sufficiency of which is hereby acknowledged, hereby agree as follows:

1. Services. Contractor, as an independent contractor, at its own cost and expense, shall perform the Services provided below:

1.1 The CONTRACTOR shall meet the requirements and perform the services described herein and as described in the RFP, attached hereto and incorporated herein as Exhibit A and the CONTRACTOR'S Proposal, attached hereto and incorporated herein as Exhibit B. The Services required by this Agreement, Exhibit A, and Exhibit B shall be collectively referred to as "Services".

1.2 CONTRACTOR agrees and acknowledges that CONTRACTOR did not take any exceptions to the RFP and is prohibited from exempting any provision of the RFP in any of CONTRACTOR'S Services pursuant to this Agreement. The provisions and requirements of the RFP, attached as Exhibit A, are hereby ratified and confirmed and are incorporated herein by this reference. CONTRACTOR shall comply with each and every provision of the RFP.

Contractor shall provide all materials, tools, labor, appliances, machinery and appurtenances necessary to perform the Services. Contractor shall obtain and keep in effect for the term of this Agreement any special licenses and permits necessary for Contractor to provide the Services required hereunder.

2. Term. This Agreement is for thirty-six (36) months from the date of execution by the parties.

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

3. **Renewal.** At the end of the Term, this Agreement may be extended for one (1) renewal period of three (3) years. The Town shall provide 30 days notice to Contractor if the Town elects to exercise the renewal.
4. **Compliance with Applicable Law.** All work hereunder shall be performed in a professional manner and form as required by all applicable federal, state, and local rules, regulations, laws, codes, and ordinances and as may be further specified by Town. Contractor shall at all times protect Town's property from all damage and shall repair or replace any damaged property as required by Town.
5. **Compensation.** Compensation hereunder shall be paid to Contractor as provided in Contractor's Proposal, attached hereto as Exhibit B. The Town shall pay the Contractor within 30 days of receipt of an approved invoice.
6. **Books and Records.** Contractor shall keep, for the statutorily required period, accurate books and records with the supporting documents, statistical records, transactions and any other underlying documents supporting the services provided hereunder, and shall comply with Section 14. The Town shall have the right to audit the books and records of Contractor related to this Agreement upon reasonable notice provided to Contractor. Any incomplete or incorrect entry in such books and records shall be a basis for Town's disallowance and recovery of any payment to Contractor based upon such entry.
7. **Indemnity.** Contractor shall defend, indemnify, and hold harmless the Town, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising out of, related to, whether directly or indirectly, or any way connected with Contractor's performance or non-performance of any provision of this Agreement, including, but not limited to, liabilities arising from contracts between the Contractor and third parties for work or materials required under or related to this Agreement. Contractor shall reimburse the Town for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising out of, related to, whether directly or indirectly, or in any way connected with Contractor's performance or non-performance of this Agreement. The provisions of this section shall survive termination of this Agreement.
8. **Termination.** Town Manager may, with or without cause, terminate this Agreement with 90 days' written notice to the Contractor, effective on the date specified in the notice.
9. **Notice.** Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the following addresses:

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

For the Town: Town Manager
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

With a copy to: Town Attorney
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

For The Contractor:
Granicus
Attn.: Contracts
408 St. Peter Street, Ste. 600
St. Paul, MN 55102

10. Assignment and Changes. Contractor may not assign this Agreement. Any changes to this Agreement must be by written amendment, executed by the parties hereto.

11. Insurance. Contractor shall carry workers' compensation insurance in the statutory limit or provide evidence of its exemption from the requirement to carry worker's compensation insurance and shall carry the insurance required in the RFP:

\$1,000,000 combined single limit of insurance per occurrence and \$2,000,000 in the general aggregate for Bodily Injury and Property Damage and \$2,000,000 general aggregate for Products/Completed Operations, Comprehensive General Liability insurance shall include endorsements for property damage; personal injury; contractual liability; completed operations; products liability and independent contractors coverage. The Town shall be included as an additional insured. No other insurance is required for this contract.

12. Entire Agreement. This writing contains the entire Agreement of the parties and supersedes any prior oral or written representations. No representations were made or relied upon by either party, other than those that are expressly set forth herein.

13. Contractor Representations. Contractor represents the following: Contractor is properly authorized to do business in the State of Florida; the execution, delivery and performance of this Agreement by Contractor have been duly authorized; this Agreement is binding on

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

Contractor and enforceable against Contractor in accordance with its terms; and no consent of any other person or entity to such execution, delivery and performance is required.

14. Independent Contractor. This Agreement does not create an employee/employer or joint venture relationship between the parties. Contractor has been procured and is being engaged to provide Services to the City as an independent contractor, and not as an agent or employee of the City. Accordingly, Contractor shall not attain nor be entitled to any rights or benefits of the City, nor any rights generally afforded to classified or unclassified employees of the City. Contractor further understands that Florida Workers' Compensation benefits available to employees of the City are not available to Contractor, and agrees to provide workers' compensation insurance for any employee or agent of Contractor rendering Services to the City under this Agreement.

15. Chapter 119 (Public Records). The CONTRACTOR shall comply with Chapter 119, Florida Statutes, as applicable, and shall comply with the following:

- (a) CONTRACTOR agrees to keep and maintain public records in CONTRACTOR's possession or control in connection with CONTRACTOR's performance under this Agreement. CONTRACTOR additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. CONTRACTOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the TOWN.
- (b) Upon request from the TOWN's custodian of public records, CONTRACTOR shall provide the TOWN with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.
- (c) Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the TOWN.
- (d) Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the CONTRACTOR shall be delivered by the CONTRACTOR to the Town Manager, at no cost to the TOWN, within seven (7) days. All such records stored electronically by CONTRACTOR shall be delivered to the Town in a format that is compatible with the TOWN's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, the CONTRACTOR shall destroy any

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

(e) Any compensation due to CONTRACTOR shall be withheld until all records are received as provided herein.

(f) IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 954-640-4200, Tedraa@lauderdalebythesea-fl.gov, or by mail: Town Clerk, 4501 N. Ocean Drive, Lauderdale-By-The-Sea, FL 33308.

16. Scrutinized Companies

- (a) Contractor certifies that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Contractor or its subcontractors are found to have submitted a false certification; or if the Contractor, or its subcontractors are placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement.
- (b) If this Agreement is for more than one million dollars, the Contractor certifies that it and its subcontractors are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Contractor, its affiliates, or its subcontractors are found to have submitted a false certification; or if the Contractor, its affiliates, or its subcontractors are placed on the Scrutinized Companies with Activities in Sudan List, or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.
- (c) The Contractor agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under this Agreement.
- (d) As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize the above-stated contracting prohibitions then they shall become inoperative.

17. Severability. Should any provision, paragraph, sentence, word, or phrase contained in this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable under the laws of the State of Florida, such provision, paragraph,

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

sentence, word, or phrase shall be deemed modified to the extent necessary in order to conform with such laws, and the remainder shall remain unmodified and in full force and effect.

18. Waiver of Jury Trial. The Town and Contractor knowingly, irrevocably, voluntarily and intentionally waive any right either may have to a trial by jury in state and or federal court proceedings in respect to any action, proceeding, lawsuit or counterclaim based upon this Agreement and/ arising out of, under, or in connection with the services performed hereunder, or any course of conduct, course of dealing, statements or actions or inactions of any party hereto.

19. Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Venue for any litigation arising out of this Agreement shall be proper exclusively in Broward County, Florida. If either the Town or Contractor is required to enforce the terms of this Agreement by court proceedings or otherwise, whether or not formal legal action is required, the prevailing party shall be entitled to recover from the other party all such costs and expenses, including, but not limited to, court costs, and reasonable attorneys' fees.

20. No Contingent Fees. Contractor warrants it has not employed or retained any company or person, other than a bona fide employee working solely for Contractor to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. No officer or employee of the Town during his or her term of employment or for one year thereafter shall have any interest, direct or indirect, in this Agreement, or the proceeds thereof. Section 2-25 of the Town Code provides that no vendor shall give, solicit for, deliver or provide a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of Mayor or Commissioner.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Town of Lauderdale-By-The-Sea
PROFESSIONAL SERVICES AGREEMENT

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date first above written.

TOWN:

CONTRACTOR:

TOWN OF LAUDERDALE-BY-THE-SEA

GRANICUS

By:



Ralph Bentley, Town Manager

By:



Dawn Kubat

By:



Tony Bryan, Deputy Town Manager & Finance Director

Attest:



Taira Allen Town Clerk

Approved as to Form and Legal Sufficiency:



Town Attorney Susan L. Trevathan



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: Old Business

Subject Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES SECTION 2-27 "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE PENDING REDESIGN AND APPROVAL OF PLANS FOR EXPANSION OF THE SIDEWALKS ALONG COMMERCIAL BOULEVARD, A1A, AND EL MAR DRIVE REPRESENTS AN EXTRAORDINARY CIRCUMSTANCE JUSTIFYING THE CONTINUED WAIVER OF CERTAIN REQUIREMENTS OF CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89 "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES FROM APRIL 15, 2022 THROUGH NOVEMBER 10, 2022; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS.

Explanation: At the September 21, 2020 Town Commission meeting, the Town Commission adopted Resolution 2020-39, authorizing restaurants to use the parking spaces and parallel parking areas east of Ocean Drive to expand their sidewalk café areas until January 15, 2021. The Resolution also waived the sidewalk café fees for restaurants, relaxed the enforcement of the Town's sign code, and extended the enforcement requirements for overdue business tax receipt payments.

On January 26, 2021, the Town Commission adopted Resolution 2021-03, extending the relaxation of the Code allowed previously due to continuing extraordinary circumstances to only continue allowing the sidewalk café extension into the street. At the Town Commission meeting held on June 29, 2021, the Commission approved to further extend the code waiver for sidewalk cafes through October 15, 2021. This Resolution included Aruba's continued use of the Connie Hoffmann Ocean Plaza. There have been no fees established for the use of the parking areas.

The Commission approved Resolution 2021-59 on October 4, 2021 to further extend the extraordinary circumstances waiver through April 15, 2022 for both the sidewalk cafes and Aruba's continued use of the Connie Hoffmann Ocean Plaza. That Resolution was based on the finding that it was necessary to allow for the planning and implementation of the transition of the sidewalk cafes back to full Code compliance, and to allow Town staff the opportunity to explore options in redesigning the outdoor sidewalk café area. At that time, the Town Commission decided to reinstitute the sidewalk café fees for the approved areas, while continuing to waive the fees on the temporarily expanded area.

On January 25, 2022, the Town Commission considered options for the scope of the redesign of the sidewalks downtown and moved forward with removing the parking on Commercial Boulevard and on the north side of Commercial on A1A. Town Manager Connors also noted during the discussion that some ADA-compliant spaces would need to be relocated from Commercial Boulevard onto El Mar Drive. El Mar Drive would also be a reasonable location for a drop-off/pickup area for ride sharing services, as suggested during public comment. Town Manager Connors concluded that her suggestion would be to relocate the ADA compliant spaces from Commercial Boulevard onto El Mar Drive, making no further changes to El Mar Drive until there has been time to see the effects of this change.

On April 12th, the Commission expanded the scope of the project to include the Town's back out parking on Ocean Drive south of Commercial Boulevard at the request of Bill Ciani, the adjacent property owner.

Since October, the Town Commission received initial design concepts and a presentation from Steven Fett and authorized the retention of Architectural Alliance to prepare the design for the expansion of the sidewalks to incorporate the parallel parking spaces along Commercial Blvd. and the backout spaces along A1A. The first input sessions with restaurants and the public occurred in April, and additional input sessions and a Commission workshop are scheduled for May. Should the Commission wish to move forward with the proposed design concept Architectural Alliance will create plans for the construction of these changes and provide a cost estimate which will be brought forward for Commission Consideration. If approved by the Commission, a contractor will be obtained via a CMAR or RFP process. Once a contractor has been selected Architectural Alliance will move forward with obtaining plan approvals and permits.

Once the design is complete, it will become clear whether: (i) the use of the El Mar parking spaces for required ADA parking and a potential drop off area will use the entire available space, (ii) any space will remain for areas of expanded sidewalks along El Mar; and (iii) whether the Town desires to make any of that remaining space available for sidewalk cafés. The complete design is also necessary in order to analyze whether and to what extent the Code provisions governing sidewalk cafes will need to be amended to reflect the changed right-of-way area.

Once construction begins, the parking areas on El Mar Drive, Commercial Boulevard and Ocean Drive will no longer be used for the temporarily expanded sidewalk café areas. Therefore, this Resolution proposed to extend the finding of extraordinary circumstances through November 10, 2022, the maximum six months available under the Code, to allow for completion of the public input process and design approval, completion and approval of construction drawings, and procurement of construction services.

During this timeframe, strict compliance with the following specific provisions of the sidewalk café requirements are proposed to be continued to be waived:

Chapter 17 "Streets, Sidewalks, and Other Public Places,"

Section 17-89 "Sidewalk Cafe Permit Standards and Requirements,"

Subsections:

(a) 17-89(c)(1) and (c)(4)a, "Location"; and

(b) 17-89(e) "Physical Barriers."

Previously, there was a third waiver of subsection 17-89(j)(2)b to allow for canopies, but the Town has discontinued their use and there is no longer a need for that particular waiver.

Recommendation: Commission approval of the Resolution, finding that the time needed to complete the planning process, draft plans, obtain approvals, and procure construction services for the widening of the sidewalks along Commercial Boulevard, A1A, and El Mar Drive is an extraordinary circumstance justifying the continued waiver of the specific sidewalk café requirements noted above, through November 10, 2022.

Exhibits:

- Ex.1 Resolution 2021-59 (the prior Resolutions are exhibits to this Resolution)
- Ex. 2 1/25/22 Commission Meeting Minutes
- Ex. 3 Resolution 2022-21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
RESOLUTION NO. 2021-59

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES SECTION 2-27 "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89 "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATIONS FOR ADDITIONAL TIME; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF THE CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

24 **WHEREAS**, Section 2-27 "Waiver of Code Requirements" of the Town of Lauderdale-
25 By-The-Sea (the "Town") Code of Ordinances (the "Code") provides that under extraordinary
26 circumstances, the Town Commission may waive any obligations, requirements, or fees provided
27 for in the Code by resolution; and

28 **WHEREAS**, Resolution 2020-39, adopted on September 21, 2020 and attached hereto as
29 **Exhibit "A,"** found that COVID-19 was an extraordinary circumstance and granted a waiver of
30 certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until
31 January 15, 2021; and

32 **WHEREAS**, Resolution 2021-03, adopted on January 26, 2021 and attached hereto as
33 **Exhibit "B,"** found that COVID-19 continued to be an extraordinary circumstance and continued
34 to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes and for
35 business tax receipts until July 15, 2021; and

36 **WHEREAS**, Resolution 2021-36, adopted on June 29, 2021, and attached hereto as **Exhibit**
37 **"C,"** found that the time needed to plan and implement the transition from COVID-19 pandemic
38 protocols to full Code compliance of sidewalk cafes, and to consider potential changes to those

Code requirements were extraordinary circumstances and continued to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes until October 15, 2021

WHEREAS, Section 2-27 of the Code allows the Town Commission to extend such waivers upon a finding that the extraordinary circumstance still exist; and

WHEREAS, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Code, and shall not be construed to authorize a permanent variance from such obligations, requirements, or fees, and the waiver shall last no longer than six (6) months unless extended by the Town Commission; and

WHEREAS, such waivers shall not permit the installation or construction of permanent structures or buildings, and shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, in September 2020, the Town also allowed the use of Connie Hoffmann Ocean Plaza ("Ocean Plaza") for the expanded sidewalk cafe operation of Aruba Beach Cafe through January 15, 2021 and then extended the use through October 15, 2021, in tandem with the sidewalk cafe waivers; and

WHEREAS, the Town Commission finds that, while the COVID-19 pandemic has improved locally as vaccination rates in the State of Florida have reached 56.2% and are much higher in Broward County (81% received at least one dose as of September 14, 2021), many states and other countries continue to struggle with the pandemic, international travel is opening back up, and the Town historically experiences high levels of tourism from around the country and around the world; and

WHEREAS, the Town Commission desires to keep in place the waivers enabling the expanded sidewalk cafes through April 15, 2022 as COVID-19 continues to improve, to allow for the planning and implementation of the transition of the sidewalk cafes back to full Code compliance and to allow Town staff the opportunity to explore options in redesigning the outdoor sidewalk café area, including the opportunity to consider potential revisions to certain Code requirements; and

WHEREAS, the Town Commission desires to continue to waive only the requirements of Chapter 17 "Streets, Sidewalks, And Other Public Places," Section 17-89 "Sidewalk Cafe Permit Standards And Requirements," of the Code for commercially zoned properties, which are similarly

69 situated for purposes of the waiver (the “Waiver”), and to continue to allow the use of half of
 70 Ocean Plaza for the expanded sidewalk cafe operation of Aruba Beach Cafe; and

71 **WHEREAS**, the Town Commission finds that it is in the best interests of the Town to
 72 continue to waive these Code requirements to protect the public safety, health, and welfare of the
 73 Town and Town residents through April 15, 2022.

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

76 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
 77 incorporated by this reference.

78 **Section 2. Adjustment of Sidewalk Cafes from COVID-19 Pandemic Operation.**
 79 The Town Commission finds that the time needed to plan and implement the transition from
 80 COVID-19 pandemic protocols to full Code compliance of sidewalk cafes, and to consider
 81 potential changes to those Code requirements, is an extraordinary circumstance that requires
 82 continued waiver of certain obligations, requirements, or fees provided for in the Code.

83 **Section 3. Waiver.** Pursuant to Code Section 2-27, the Town Commission hereby
 84 extends the Waiver of the requirements of the following Town Code provisions, as further shown
 85 in **Exhibit “D,”** for commercially zoned properties, which are similarly situated for purposes of
 86 the Waiver, through April 15, 2022 :

87 Chapter 17 “Streets, Sidewalks, and Other Public Places,”

88 Section 17-89 “Sidewalk Cafe Permit Standards and Requirements,”

89 Subsections:

90 (a) 17-89(c)(l) and (4) a, “Location”;

91 (b) 17-89(e) “Physical Barriers”;

92 (c) 17-89(j)(2)(b) “Sidewalk Cafe Furniture And Fixtures.”

93 **Section 4. Requirements.** Those sidewalk cafes taking advantage of the Waiver must
 94 otherwise remain in full compliance with Town Code and other applicable laws. The approved
 95 temporary amended sidewalk café site plans and addendums are hereby extended through the
 96 expiration of this Resolution and must be complied with. The only physical barriers that can be
 97 used are those provided by the Town. Tents may only be placed in parking areas, pursuant to
 98 agreements with the Town, and may not be placed on the sidewalk.

Section 5. Use of Ocean Plaza. Half of Ocean Plaza may continue to be used by Aruba Beach Café for expanded sidewalk café operations if otherwise in full compliance with the Town Code and other applicable laws. The approved temporary amended sidewalk café site plan is hereby extended through the expiration of this Resolution and must be complied with. The only physical barriers that can be used are those provided by the Town. Tents, tables, and chairs may not be placed on the sidewalk between Ocean Plaza and the restaurant.

Section 6. Expiration. This Waiver and provision for use of Ocean Plaza shall expire on April 15, 2022,¹ unless further extended by the Town Commission.

Section 7. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. 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 in no way affecting the validity of the other provisions of this Resolution.

Section 9. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this 4th day of October, 2021.

Mayor Chris Vincent

Attest:

Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

James White, Town Attorney

¹ This date cannot exceed six months from the effective date of this Resolution.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, FINDING THAT THE COVID-19 PANDEMIC IS AN EXTRAORDINARY CIRCUMSTANCE AND WAIVING CHAPTER 12, “LICENSES,” SECTION 12-4(A) “BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT; PENALTIES,” CHAPTER 17, “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,” SECTION 17-89, “SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS,” SUBSECTIONS 17-87(b)(4)d. AND e., “PAYMENT OF FEES,” 17-89(C)(1)(2) AND (4)(a), “LOCATION,” 17-89(E), “PHYSICAL BARRIERS,” 17-89(J)(2)(B), “SIDEWALK CAFÉ FURNITURE AND FIXTURES,” AND PORTIONS OF CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS” SECTION 30-504 “TEMPORARY SIGNS” SUBSECTION (B) AND 30-508 “SIGN REGULATIONS BY ZONING DISTRICT,” SUBSECTIONS C(7)(A)(1) AND (2) (EXCLUDING THE CLEAR PEDESTRIAN PATH REQUIREMENT) OF THE TOWN CODE OF ORDINANCES FOR COMMERCIALLY ZONED PROPERTIES, PURSUANT TO TOWN CODE SECTION 2-27, “WAIVER OF CODE REQUIREMENTS” FOR A PERIOD OF SIX MONTHS; PROVIDING FOR EXPIRATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Town Code Section 2-27, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Town Code, and

shall not be construed to authorize a permanent variance from such obligations, requirements, or fees, and the waiver shall last no longer than six (6) months unless extended by the Town Commission; and

WHEREAS, such waivers shall not permit the installation or construction of permanent structures or buildings; and

WHEREAS, waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, on March 2, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to declare a Public Health Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to COVID-19, and authorizing local governments to waive the procedures and formalities otherwise required by law related to performance of public work and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 10, 2020, the Broward County Administrator issued a Declaration of Emergency, declaring a Local State of Emergency in Broward County; and

WHEREAS, on March 13, 2020, the Mayor declared a public emergency in the Town for seven (7) days unless earlier terminated, that was later extended until the conclusion of the Governor’s state of emergency; and

61 **WHEREAS**, the Town Commission finds that the COVID-19 pandemic is an
62 extraordinary circumstance that requires waiver of certain obligations, requirements, or fees
63 provided for in the Town Code; and

64 **WHEREAS**, the effects of the COVID-19 pandemic are expected to remain for at least
65 four (4) months; and

66 **WHEREAS**, the Town Commission desires to waive the requirements of Chapter 17,
67 “Streets, Sidewalks, And Other Public Places,” Section 17-89, “Sidewalk Café Permit Standards
68 And Requirements,” Subsections 17-87(b)(4)d. and e., “Payment of Fees,” 17-89(c)(1)(2) and
69 (4)(a), “Location,” 17-89(e), “Physical Barriers,” 17-89(j)(2)(b), “Sidewalk Café Furniture And
70 Fixtures,” and Portions of Chapter 30 “Unified Land Development Regulations,” Section 30-
71 504 “Temporary Signs” Subsection (B) “Sign Regulations By Zoning District,” and 30-508
72 “Sign Regulations By Zoning District,” subsections c(7)(a)(1) and (2) (excluding the clear
73 pedestrian path requirement) of the Town Code for commercially zoned properties, which are
74 similarly situated for purposes of the waiver (“the Waiver”); and

75 **WHEREAS**, the Town Commission finds that the COVID-19 Pandemic has created an
76 extraordinary circumstance, in which it is in the best interests to waive certain Town Code
77 requirements to protect the public safety, health, and welfare of the Town and Town residents.

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

80 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
81 incorporated by this reference.

Section 2. COVID-19 Pandemic. The Town Commission finds that the COVID-19 pandemic is an extraordinary circumstance that require waiver of certain obligations, requirements, or fees provided for in the Town Code.

Section 3. Waiver. Pursuant to Town Code Section 2-27, the Town Commission hereby waives, for approximately four months from the effective date of this Resolution, the requirements of the following Town Code provisions, as further shown in Exhibit “A,” for commercially zoned properties, which are similarly situated for purposes of the waiver:

(1) Chapter 12, “Licenses,” Section 12-4(A) “Business Tax Receipts; Dates Due and Delinquent; Penalties;”

(2) (Chapter 17, “Streets, Sidewalks, and Other Public Places,” Section 17-87, “Sidewalk café permit application and right-of-way (ROW) license fees.” Subsections:

(a) 17-87(b)(4)d. and e., “Payment of fees,”

(3) Chapter 17, “Streets, Sidewalks, and Other Public Places,” Section 17-89, “Sidewalk Café Permit Standards and Requirements,” Subsections:

(a) 17-89(c)(1)(2) and (4) a, “Location,”

(b) 17-89(e), “Physical Barriers;”

(c) 17-89(j)(2)(b), “Sidewalk Café Furniture And Fixtures; and”

(4) Portions of Chapter 30 “Unified Land Development Regulations,” Sections:

(a) 30-504 “Temporary Signs,” subsections (b)(1) and (2); and

(b) 30-508 “Sign Regulations By Zoning District,” subsections c(7)(a)(1) and (2),

while maintaining the clear pedestrian path requirement.

Section 4. Expiration. This waiver shall expire on January 15, 2021 unless extended by the Town Commission.

Section 5. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. 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 in no way affecting the validity of the other provisions of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

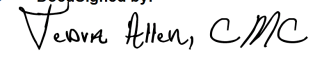
PASSED AND ADOPTED this 21ST day of Sepetmeber, 2020.

DocuSigned by:

B0A8AE8CC88D4A1...

Mayor Chris Vincent

Attest:

DocuSigned by:

F79938A3F45D42E...

Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

7651C1375CC5435...

Susan L. Trevarthen, Town Attorney

File:

EXHIBIT "A" of Resolution 2020-39

The Code sections that are shown in strike through font are the ones being waived.

CHAPTER 12 – LICENSES

ARTICLE I. - BUSINESS TAXES

Sec. 12-4. - Business tax receipts; dates due and delinquent; penalties.

~~(a) Those business tax receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional penalty of five percent for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the business tax for the delinquent establishment.~~

Chapter 17 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 17-87. - Sidewalk café permit application and right-of-way (ROW) license fees.

(b) Town right-of-way (ROW) license fee.

(4) Payment of fees.

~~d. Payment received more than ten calendar days after the due date shall be charged a late fee of ten percent of the payment amount due. Failure to make a required payment within 30 calendar days of the due date may result in immediate sidewalk café permit and ROW license revocation.~~

~~e. The fees collected pursuant to this section from sidewalk cafés located in the Town of Lauderdale By The Sea shall be placed in the general revenue fund~~

172 ***

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

174 ***

175 (c) *Location.*

176 (1) ~~Sidewalk cafés shall only be located in the following areas:~~

177 a. ~~The sidewalk frontage of the licensed business to which the sidewalk café permit is~~
178 ~~issued;~~

179 b. ~~The sidewalk frontage of the building where the licensed business is located, if the~~
180 ~~requirements found in subsection (c)(2) below have been satisfied; or~~

181 c. ~~The sidewalk frontage of an adjacent property, if the requirements found in~~
182 ~~subsection (c)(2) below have been satisfied.~~

183 (2) ~~Adjacent property or adjacent tenant space. If the proposed sidewalk café area extends~~
184 ~~in front of adjacent property or adjacent tenant space then the permittee shall obtain~~
185 ~~written permission from the adjacent property owner, adjacent tenant, or both, if~~
186 ~~applicable, for use of this area to be included in the sidewalk café area.~~

187 ***

188 (4) ~~Pedestrian safety areas.~~

189 a. ~~Buffer zone.~~

190 1. ~~Adjacent to parking. Where parking exists between the sidewalk area proposed for~~
191 ~~use and the portion of the ROW used for vehicular travel, a sidewalk café shall be~~
192 ~~located in such a manner that a minimum five foot wide buffer zone is maintained~~
193 ~~adjacent to the parking, at all times.~~

194 2. ~~No parking. Where no parking exists, a minimum one foot wide buffer zone between~~
195 ~~the edge of the sidewalk closest to the ROW used for vehicular travel and the sidewalk~~
196 ~~café area buffer zone shall be maintained at all times. In areas of congestion, the Town~~
197 ~~Manager or designee may require additional clearance.~~

198 ***

199 (e) *Physical barriers.*

200 (1) ~~No objects shall be permitted around the perimeter of a sidewalk café area which would~~
201 ~~have the effect of forming a physical or visual barrier.~~

202 ***

203 (j) *Sidewalk café furniture and fixtures.*

204 (2) *Shade structures.*

205 b. ~~Tents, canopies and pergolas or other similar structures are prohibited.~~

206 ***

207 CHAPTER 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

208 ***

209 ARTICLE VIII. - SIGN REGULATIONS

210 ***

211 Sec. 30-504 Temporary Signs

212 The following signs may be permitted within the Town as temporary signs, only in conformance
213 with these regulations and ~~after issuance of a temporary sign permit by the Development Services~~
214 ~~Department.~~

215 (a) One temporary sign, not exceeding 32 square feet, for a non-residential use, subject to the
216 following:

217 (1) A permit shall not be issued more than four times per year for the same use; and

218 (2) Each sign must be removed 21 days after it is posted.

219
220 ***

222 Sec. 30-508. - Sign regulations by zoning district.

223 ***

224 (c) *B-1 and B-1-A districts.* Only the following types of signs are permitted within the B-1 and
225 B-1-A districts, subject to the limitations and requirements contained in the definitions and
226 restrictions and standards by sign type and the general design standards sections of these
227 regulations, and subject to the additional limitations stated below:

228 ***

229 (7) *Sandwich signs.*

230 a. *Location requirements.* The location of a sandwich sign shall be permitted consistent
231 with the following:

232 ~~Permitted within the B-1 and B1-A zoning districts if:~~

233 1. ~~Placed adjacent to the structure in which the business is located;~~

234 2. ~~Located in front of and within two feet of the customer service entrance to the~~
235 ~~business it advertises and~~ in a manner that provides for a minimum five-foot clear
236 pedestrian path;

237 ***

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE THOSE CODE REQUIREMENTS FOR PERMITTED SIDEWALK CAFES AND FOR BUSINESS TAX RECEIPTS THAT WERE PREVIOUSLY WAIVED BY RESOLUTION 2020-39 FROM JANUARY 15 THROUGH JULY 15, 2021 UNLESS FURTHER EXTENDED BY THE TOWN COMMISSION; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-27, “Waiver of Code Requirements,” of the Town of Lauderdale-By-The-Sea (the “Town”) Code of Ordinances (“Code”) provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, attached hereto as Exhibit “A”, found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until January 15, 2021; and

WHEREAS, Section 2-27 of the Code allows the Town Commission to extend such waivers upon a finding that the extraordinary circumstance still exist; and

WHEREAS, pursuant to Code Section 2-27, such waivers are intended to provide temporary relief, and shall not be construed to authorize a permanent variance from such fees and requirements; and

WHEREAS, these waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

34 **WHEREAS**, the Town Commission finds that the COVID-19 pandemic continues to be
35 an extraordinary circumstance that requires waiver of these Code requirements, and will continue
36 to be so for at least six (6) months; and

37 **WHEREAS**, the Town Commission finds that it is in the best interests to continue to waive
38 these Code requirements to protect the public safety, health, and welfare of the Town and Town
39 residents, through July 15, 2021.

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

42 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
43 incorporated by this reference.

44 **Section 2. COVID-19 Pandemic.** The Town Commission finds that the COVID-19
45 pandemic continues to be an extraordinary circumstance that require waiver of certain obligations,
46 requirements, or fees provided for in the Code.

47 **Section 3. Waiver.** Pursuant to Town Code Section 2-27, the Town Commission hereby
48 extends the waiver, for up to July 15, 2021, of the Code requirements provided by Resolution 2020-
49 39.

50 **Section 4. Expiration.** This extended waiver shall expire on July 15, 2021 unless further
51 extended by the Town Commission.

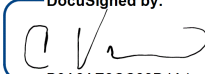
52 **Section 5. Conflict.** All resolutions or parts of resolutions in conflict herewith are hereby
53 repealed to the extent of such conflict.

54 **Section 6. Severability.** If any clause, section or other part of this resolution shall be held
55 by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

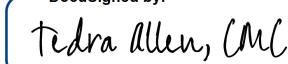
invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this 26th day of January, 2021.

DocuSigned by:

B0A8AE8CC88D4A1...
Mayor Chris Vincent

Attest:

DocuSigned by:

F79938A3F45D42E...
Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

7651C1375CC5435...
Susan L. Trevarthen, Town Attorney

File:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

WHEREAS, under Section 2-27, “Waiver of Code Requirements,” of the Town of Lauderdale-By-The-Sea (the “Town”) Code of Ordinances (“Code”) provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, adopted September 21, 2020, and attached here as **Exhibit “A”**, found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafés and for business tax receipts until January 15, 2021; and

WHEREAS, Resolution 2021-03, attached hereto as **Exhibit “B”**, found that COVID-19 continued to be an extraordinary circumstance and continued to grant a waiver of certain Code

requirements and fees for permitted sidewalk cafes and for business tax receipts until July 15, 2021; and

WHEREAS, Section 2-27 of the Code allows the Town Commission to extend such waivers upon a finding that the extraordinary circumstance still exist; and

WHEREAS, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Code, and shall not be construed to authorize a permanent variance from such obligations, requirements, or fees, and the waiver shall last no longer than six (6) months unless extended by the Town Commission; and

WHEREAS, such waivers shall not permit the installation or construction of permanent structures or buildings, and shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, in September 2020, the Town also allowed the use of Connie Hoffmann Ocean Plaza (“Ocean Plaza”) for expanded sidewalk café operation of Aruba Beach Café through January 15, 2021, and then extended the use through July 15, 2021, in tandem with the sidewalk café waivers; and

WHEREAS, the Town Commission finds that, while the COVID-19 pandemic has improved locally as vaccination rates in Broward County have reached 55%, many states and other countries continue to struggle with the pandemic and the Town historically experiences high levels of tourism from around the country and around the world; and

WHEREAS, the Town Commission desires to keep in place the waivers enabling the expanded sidewalk cafes through October 15, 2021, as COVID-19 continues to improve, to allow for planning and implementation of the transition of the sidewalk cafes back to full Code

compliance, including the opportunity to consider potential revisions to certain Code requirements;
and

WHEREAS, the Town Commission desires to continue to waive only the requirements of Chapter 17, “Streets, Sidewalks, And Other Public Places,” Section 17-89, “Sidewalk Café Permit Standards and Requirements,” of the Code for commercially zoned properties, which are similarly situated for purposes of the waiver (“the Waiver”), and to continue to allow the use of half of the Ocean Plaza for expanded sidewalk café operation of Aruba Beach Café; and

WHEREAS, the Town Commission finds that it is in the best interests of the Town to continue to waive these Code requirements to protect the public safety, health, and welfare of the Town and Town residents through October 15, 2021.

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

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

Section 2. Adjustment of Sidewalk Cafes from COVID-19 Pandemic Operation.
The Town Commission finds that the time needed to plan and implement the transition from COVID-19 pandemic protocols to full Code compliance of sidewalk cafes, and to consider potential changes to those Code requirements, is an extraordinary circumstance that requires continued waiver of certain obligations, requirements, or fees provided for in the Code.

Section 3. Wavier. Pursuant to Code section 2-27, the Town Commission hereby extends the Waiver of the requirements of the following Code provisions as further shown in **Exhibit “C”**, for commercially zoned properties, which are similarly situated for purposes of the Waiver, through October 15, 2021:

Chapter 17, “Streets, Sidewalks, and Other Public Places,”
Section 17-89, “Sidewalk Café Permit Standards and Requirements,”
Subsections:

- (a) 17-89(c)(1) and (4) a, “Location,”
- (b) 17-89(e), “Physical Barriers;”
- (c) 17-89(j)(2)(b), “Sidewalk Café Furniture and Fixtures,”

Section 4. Requirements. Those sidewalk cafes taking advantage of the Waiver must otherwise remain in full compliance with Town Code and other applicable laws. Temporary amended sidewalk café site plans must be submitted for administrative approval by the Town in accordance with the Code and the accompanying Agenda Memo. The only physical barriers that can be used are those provided by the Town. Tents may only be placed in parking areas and may not be placed on the sidewalk.

Section 5. Use of Ocean Plaza. Half of Ocean Plaza may continue to be used by Aruba Beach Café for expanded sidewalk café operation if otherwise in full compliance with Town Code and other applicable laws. A temporary amended sidewalk café site plan must be submitted for administrative approval by the Town in accordance with the Code and the accompanying Agenda Memo. The only physical barriers that can be used are those provided by the Town. Tents, tables, and chairs may not be placed on the sidewalk between Ocean Plaza and the restaurant.

Section 6. Expiration. This Waiver and provision for use of Ocean Plaza shall expire on October 15, 2021, unless further extended by the Town Commission.

Section 7. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. 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 in no way affecting the validity of the other provisions of the Resolution.

108 **Section 9. Effective Date.** This Resolution shall become effective immediately upon
109 its passage.

110 **PASSED AND ADOPTED** this 29th day of June 2021.

111

112

113

114

115

116

117

118 Attest:

119

120

121

122

123 Tedra Allen, CMC Town Clerk

124

125

126

127

128 APPROVED AS TO FORM:

129

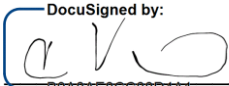
130

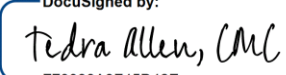
131

132

133

134 Susan L. Trevarthen, Town Attorney

DocuSigned by:

B0A8AE8CC88D4A1...
Mayor Chris Vincent

DocuSigned by:

E79938A3E45D42E...

DocuSigned by:

7651C1375CC5435



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 25, 2022
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Alfred "Buz" Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Development Services Director Jhanelle Campbell, Planner Sue Leven, Special Events and Marketing Manager Debbie Hime, Human Resources Manager Lisa Slagle, and Public Information Officer/IT Administrator Steve d'Oliveira.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that the first reading of Ordinance 22-01, Item 15.a, be heard immediately following Public Comment.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Michael Morelli, resident, stated his support for a proposed Resolution that would express the Town's wish to address smoking on the beach. This Resolution would

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

address Senate Bill (SB) 224 and House Bill (HB) 105. He provided backup materials to the Commission, including Resolutions passed by other local municipalities.

Richard Denapoli, resident, stated that the outdoor dining options provided by Town restaurants have been a good idea during the pandemic, and spoke in favor of allowing Aruba restaurant to lease a portion of the Ocean Plaza for this purpose. He was also in favor of continuing to expand the sidewalks on Commercial Boulevard to continue outdoor dining there as well.

Mary Ellen Himes, resident, thanked the Town on behalf of the Terra Mar Island Civic Association, and recognized several members of Town Staff as well as Commissioner Malkoon for their attendance at the Association's most recent meeting.

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

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

15. ORDINANCES 1ST READING

- a. **ORDINANCE 2022-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY CREATING CHAPTER 9, "FLOOD PREVENTION AND CONTROL," ARTICLE XI, "RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION" TO ESTABLISH TIDAL FLOOD PROTECTION AND BARRIER INFRASTRUCTURE STANDARDS THAT ACCOUNT FOR PROJECTED SEA LEVEL RISE, AND PROVIDE FOR ABATEMENT OF NUISANCE FLOODING AND REAL ESTATE SALE DISCLOSURES; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Community Development Services Director Jhanelle Campbell recalled that in March 2020, Broward County adopted an Ordinance which required communities with tidally influenced waterways to adopt resiliency standards for tidal flood protection. These

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

standards were adopted in January 2020 in Broward County's Land Use Plan. The proposed Ordinance meets the requirements of this policy.

Broward County Chief Resilience Officer Dr. Jennifer Jurado addressed the requirements for the adoption of Ordinance 22-01, which establishes a recommended elevation of 5 ft. North American Vertical Datum (NAVD). This elevation is intended to provide tidal flood protection for conditions modeled through 2070.

Mayor Vincent noted that the Broward County Board of County Commissioners has already adopted this set of resiliency standards for flood protection, which requires coastal municipalities such as Lauderdale-By-The-Sea with properties backing up to a waterway to adopt the same standards. A model for the proposed Ordinance was adopted into the Broward County Code of Ordinances in March 2020. Compliance with this Ordinance demonstrates compliance with the County's Land Use Plan.

Vice Mayor Oldaker asked how this Item will be handled by municipalities with regard to properties they own. Dr. Jurado cited a marina owned by the city of Hollywood as an example, recalling that this property was a source of extensive flooding in a single neighborhood. That city agreed to improve the marina using a previous NAVD standard, which has fully addressed the tidal flooding. Other examples include Fort Lauderdale's adoption of a 4.6 ft. NAVD standard for municipal investments, such as seawall improvements. Fort Lauderdale has subsequently adopted a standard of 5 ft. NAVD.

With regard to parks and other areas with natural shorelines, Dr. Jurado advised that the proposed Ordinance does not require seawalls to be the only solution, nor is this recommended. If parks are a source of extensive flooding, however, and there is no other opportunity to maintain water on-site, seawalls are an option if they do not extend beyond the boundaries of the park onto an adjacent property.

For personal properties, the Ordinance recognizes that this may be a sizable investment. There are efforts to explore funding options, such as low-interest or revolving loans, for these improvements; however, at present this remains an individual responsibility with no evident cost share or grant funding.

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

7. PUBLIC SAFETY DISCUSSION

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

a. VFD December 2021 Report

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

8. TOWN MANAGER REPORT

a. Town Manager Report for January 25, 2022

Town Manager Linda Connors advised that the city of Pompano Beach has agreed to give Lauderdale-By-The-Sea \$150,000 toward the Palm Club project. Another \$150,000 was allocated to the Town by Broward County. She recognized Assistant to the Town Manager Neysa Herrera for her work toward this funding.

Town Manager Connors continued that former Fort Lauderdale City Clerk Jeff Modarelli is working with the Town in a consulting capacity to fill the Town Clerk position. He will help to ensure all required procedures and State Statutes are followed in this search.

The March 8, 2022 Town Commission meeting will need to be canceled, as this date is also Election Day. A special meeting can be scheduled for March 22, 2022, immediately prior to the regular Commission meeting, for the verification of election results. The Commissioners agreed by consensus to bring these items back for approval on the next Consent Agenda.

United Way of Broward County will hold its annual Mayors' Gala soon. Town Manager Connors recalled that the Commission typically donates \$2000 toward this event. The Commissioners agreed by consensus to continue at this funding level.

Vice Mayor Oldaker requested an update on Codrington Drive. Public Works Director Ken Rubach reported that Staff has reached out to residents on this roadway to inform them of a meeting scheduled for March 2022, which will review what the Town hopes to achieve and alternatives toward meeting this goal. Outreach to residents on Codrington Drive is being done via email. Commissioner Strauss suggested that a physical mailer also be sent to these residents.

9. TOWN ATTORNEY REPORT

Commissioner Strauss requested an update on Senate Bill (SB) 620, which deals with business damages. Town Attorney Susan Trevarthen replied that after this bill

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

encountered resistance, its sponsor invited representatives from the Florida League of Cities and Florida Association of Counties to propose an amendment. The suggested amendment is being reviewed by the sponsor, although it has not yet been made public. Many cities and counties continue to react adversely to this proposed bill.

Another pending bill, which requires an economic impact statement, has undergone significant change that prompted the League of Cities to change its recommendation to one of approval. This bill has been accelerated through the committee process and is expected to be on the floor early in the legislative session.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Downtown Discussion

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, advised that she had sent an email to the Commissioners on this topic. She stated that she has spoken with several Town residents on this issue, all of whom were supportive of continued outdoor restaurant seating in the Downtown area as an option.

Ann Marchetti, resident, stated that she spoke on behalf of a number of Downtown businesses, including Aruba Beach Café, Taco Craft, Vinnie's, Ocean 101, the Village Grill, the Pier, Even Keel, and Billy Jack's. At present, the use of public parking spaces on A1A, Commercial Boulevard, and El Mar Drive for outdoor dining has been extended through April 2022. Ms. Marchetti noted that a recent poll of 1171 tourists and residents showed that 1153 were in favor of the continued use of expanded outdoor dining. She provided the Commission with the cards used in this poll.

Bill Ciani, resident, pointed out that if a large portion of the pavilion is given to one restaurant for its use, another restaurant will also be similarly entitled. He felt this use by

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

private businesses will limit use to all, and suggested that the Town consider redesigning the sidewalk on Commercial Boulevard to increase space for outdoor dining tables.

Assistant to the Town Manager Neysa Herrera read the following written comments:

- Tom Balcom, business owner, supported the continuation of regulations that allow expanded outdoor seating, which will help prevent restaurants from closing. He suggested that each restaurant ensure that their outdoor furniture is kept clean.
- Roseann Minnet, resident, also spoke in favor of eliminating Downtown parking on A1A and advised that she had no issue with using this area for expanded outdoor dining for Town restaurants. She recommended that the Town continue music and dancing events in and near the plazas.
- Stuart Dodd, resident, urged the Commission to charge restaurants the same square footage rental rate and ensure cleaning requirements, irrespective of their location. He suggested that the design consider including at least one dedicated pickup/drop-off space for ride-sharing services as a safety measure.
- Scot Sasser, resident, requested that the Commission consider extending the use of restaurant seating in the Town's plazas. He felt the restaurant uses in the plaza were helpful to visitors and residents alike, and noted that changes to the plaza did not have to be permanent.
- Diana Kugler, resident, was not in favor of retaining extended outdoor dining any longer. She recommended that backout parking spaces be removed from A1A. She concluded that curbside parking should continue on El Mar Drive and Commercial Boulevard, and that Aruba no longer use Connie Hoffmann Plaza.
- Jay Flynn, resident, advised that he opposed the continued leasing of Ocean Plaza to any business on a permanent or semi-permanent basis. He noted that there are stains on tables and pavers in the subject space, and concluded that parking spaces on Commercial Boulevard should be retained.
- Jim Rogers, resident, expressed concern with the potential use of public funds to modify outdoor dining areas, which he felt should be funded by the private businesses themselves. He also cautioned against continued use of the portal area by businesses, with the exception of permitted special events. He felt there should be more resident input, possibly including a referendum.
- Mark Silver, business owner, supported the continued use of outdoor space by Downtown restaurants and expressed concern about the continued spread of COVID-19 if only indoor seating is available. He felt this plan should be revisited after six months.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

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

Commissioner Sokolow advised that he has discussed this issue with restaurant owners and the public, who have changed his mind from his previous opposition to continued use of outdoor space for seating. He felt indoor dining may be permanently affected by COVID-19, and that attitudes toward outdoor dining have changed as well. He recommended some caveats to this continued use, including:

- Wider pedestrian spaces on sidewalks
- Reducing the size of some outdoor dining areas
- Fair compensation to the Town for lost parking and additional dining space in the plazas
- More stringent cleaning requirements of outdoor spaces

Vice Mayor Oldaker supported Commissioner Sokolow's comments, agreeing that outdoor dining continues to be a national trend in light of COVID-19. He pointed out that the use of public space by restaurants would not be given to those businesses, but subject to a negotiated lease, with costs to be determined. He also noted that this use is limited to seated dining and does not apply to bars.

Vice Mayor Oldaker continued that while he has long been an advocate for parking, he felt the removal of parking spaces from a congested portion of Commercial Boulevard could alleviate this congestion. He explained that the elimination of these spaces would likely increase parking revenue elsewhere. He was also in favor of widening the sidewalks for better pedestrian access, although the mechanics of this change have not yet been determined.

Commissioner Malkoon pointed out that an extended sidewalk would require barriers between outdoor dining and pedestrian traffic, which would limit the number of tables available to restaurants. He felt the Downtown area was in need of change in order to remain competitive. He concluded that he was in favor of removing backout parking on A1A, primarily on the north side.

Commissioner Strauss recalled that there is significant public consensus in favor of the proposed change to the Downtown, and that there are safety issues on Commercial Boulevard that could be alleviated by the removal of spaces even if there was no need for outdoor dining. He also agreed that a drop-off/pickup area should be designated for ride-sharing services as a safety measure.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

Mayor Vincent pointed out that the last two years of the COVID-19 pandemic have allowed a trial period for additional changes, and that many of the requirements to make these changes a success are already in place. He asserted that the Town should continue to mitigate, improve, and adapt. He concluded that while there is no need to fast-track these changes, they should be prioritized. He also clarified that 12.b is limited to the Ocean Plaza.

Town Manager Connors requested direction for Staff regarding which of the following options the Commission wished to pursue:

1. Remove all Downtown parking spaces not on El Mar Drive except for Americans with Disabilities Act (ADA) -compliant spaces
2. Remove only those parking spaces on Commercial Boulevard east of A1A
3. Remove the parking spaces on Commercial Boulevard as well as the backout parking spaces on A1A north of Commercial Boulevard.

Commissioner Strauss recalled that during public comment, a concern had been raised regarding the removal of barricades to allow for backout parking, as tenants at the subject location need to use those spaces. He proposed a fourth option of removal of backout parking spaces along the north part of Commercial Boulevard, followed by some time to determine the effectiveness of this solution before later addressing the spaces on El Mar Drive. This would allow ADA-accessible spaces to remain on the El Mar Drive corridor.

Mayor Vincent noted that if the spaces on El Mar Drive are retained, this would prevent the opportunity for outdoor restaurant seating on the east side of this roadway. He was also in favor of retaining the backout parking on Commercial Boulevard, pointing out that because these spaces constitute a legal nonconforming use, they cannot be reinstated once they are removed. There could then be further discussion of spaces on A1A as well.

Vice Mayor Oldaker requested clarification of the consensus, if any, on the El Mar Drive spaces by businesses in that area. Town Manager Connors replied that Village Grille is currently not using that area, and spaces near 101 on El Mar Drive are also rarely in use. She noted that some ADA-compliant spaces would need to be relocated from Commercial Boulevard onto El Mar Drive. El Mar Drive would also be a reasonable location for a drop-off/pickup area for ride sharing services, as suggested during public comment.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

Town Manager Connors concluded that her suggestion would be to relocate the ADA-compliant spaces from Commercial Boulevard onto El Mar Drive, making no further changes to El Mar Drive until there has been time to see the effects of this change. She confirmed that FDOT requirements would not permit backout parking to be reinstated once it has been removed.

Vice Mayor Oldaker continued that there may also be spaces on Bougainvillea Drive for ride-sharing service access. Town Manager Connors recalled that the Town had tried to encourage these services to pick up customers at the south lot prior to the onset of the COVID-19 pandemic.

Mayor Vincent asked if ride-sharing services have technology to permit the designation of a single pickup/drop-off location by the Town. Town Manager Connors cautioned that while this may be an option, it would require every prospective passenger to use that location, even if it is not convenient to them.

Commissioner Malkoon stated that his preference was for Option #3, which would remove parking spaces on Commercial Boulevard as well as the backout spaces north of that roadway. Commissioner Sokolow and Mayor Vincent agreed that this was their preference as well.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to adopt Option #3, removing the parking on Commercial [Boulevard] and on the north side of Commercial on A1A. Motion carried 5-0.

b. Ocean Plaza

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, emphasized the importance of the Aruba Beach Café, characterizing the business as an anchor of and asset to the Town.

Ann Marchetti, resident, requested that the Commission continue to let adjacent restaurants, including Aruba Beach Café and Anglin's Beach Café, use a portion of the Ocean Plaza for dining space for its patrons. She reiterated that when a random survey of 1171 individuals was taken on this issue, 98% of respondents were in favor of this proposal. Should the Town need space in Ocean Plaza for events, the businesses are willing to yield to those plans. Both restaurants are in favor of an annual fee for the use of this space.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

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

Town Attorney Trevarthen reviewed the original agreement for the use of the plaza, recalling that in 2014 the Commission discussed creation of a policy that contemplated private use of this space up to four times per year for special events. The Commission will need to bring back a proposal to amend this policy to reflect its current position on this issue.

Town Attorney Trevarthen requested clarification of whether or not the Commission wished to establish annual approval of the use of the plaza, or if they preferred another type of approval.

Vice Mayor Oldaker commented that the subject businesses are not homesteaded, which means they are subject to greater tax increases on their properties.

Commissioner Sokolow observed that the proposed use of the plaza by the restaurants is preferable to other uses of this space, and provides a service to the Town. He spoke in favor of a fair set of rules to apply to the owners of businesses using the plaza.

Mayor Vincent stated that the Commission's 2014 discussion of use of the plazas was intended to be strict in the beginning and become more flexible, as needed, over time. The regulation should be based on clearly enforced rules rather than arbitrary decisions. He felt the opportunity for greater flexibility has come.

Commissioner Strauss advised that he had spoken with the Town Manager to determine how much of the plaza space is currently being used by the restaurants. He characterized this as one-third of the space being used by each business, with the final third continuing to provide beach access with a walkway. He recommended that this configuration be maintained.

With respect to an annual fee, Commissioner Strauss suggested that the Commission address the use of the plazas each year to review activity and determine if they wished to renew the fee. The amount of this fee would be decided in the future.

Vice Mayor Oldaker pointed out that he would move the fencing between restaurant spaces back so the two entrances to the plaza remain open. The design of this barrier is still open to discussion, as is the square footage allocated to each restaurant.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

Commissioner Malkoon stated that he is open to the discussion of the restaurants using this public space, but agreed with the Vice Mayor that their presence should be slightly scaled back. He asked how the serviceable area for a restaurant is determined under Town Code. Town Manager Connors replied that the standard is one seat for every 10 sq. ft. of space, and that this calculation can be reviewed within the plaza.

Mayor Vincent asked if the Town is following Florida Statutes with respect to square footage for outdoor dining, as is done with the sidewalk cafés. Town Manager Connors confirmed this, adding that Staff can bring back a Resolution addressing policy changes based on the Commissioners' input.

Commissioner Strauss made a motion, seconded by Commissioner Sokolow, to move forward with this plan. Motion carried 5-0.

The Commission took a brief recess from 8:32 p.m. until 8:53 p.m.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

None.

16. ORDINANCES 2ND READING

- a. **ORDINANCE 2021-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” SECTION 30-11, “DEFINITIONS,” TO DEFINE TOBACCO PARAPHERNALIA STORES; AMENDING SUBDIVISIONS L AND M, B-1-A AND B-1 DISTRICT REGULATIONS, TO CHANGE THE LISTS OF PERMITTED AND CONDITIONAL USES AND CREATE SUPPLEMENTAL REGULATIONS; CREATING SECTION 30-281 TO PROVIDE FOR AMORTIZATION OF EXISTING TOBACCO PARAPHERNALIA STORES IN THE B-1 ZONING DISTRICTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE. Or AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA,**

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

FLORIDA, AMENDING CHAPTER 30, "UNIFIED LAND DEVELOPMENT REGULATIONS," SECTION 30-11, "DEFINITIONS" TO DEFINE "TOBACCO PARAPHERNALIA STORES;" AMENDING SUBDIVISIONS L AND M, B-1-A AND B-1 DISTRICT REGULATIONS, TO CHANGE THE LISTS OF PERMITTED AND CONDITIONAL USES AND CREATE SUPPLEMENTAL REGULATIONS; CREATING SECTION 30-281 TO PROVIDE FOR AMORTIZATION OF EXISTING TOBACCO PARAPHERNALIA STORES IN THE B-1 ZONING DISTRICTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Town Attorney Trevarthen pointed out that there are two different versions of Ordinance 2021-10, as the Commission had requested a change to the Ordinance after first reading. Exhibit 1 includes the Ordinance as presented upon first reading, which included a mention of amortization of tobacco paraphernalia stores at either one year or another time that could be substantiated with records of their investment. After first reading, however, the Commission directed Staff to prepare a different version of the Ordinance, removing the mention of amortization and instead considering a standard for the display of tobacco paraphernalia.

The Ordinance excluding the reference to amortization is Exhibit 2, which addresses the need for tobacco paraphernalia stores to conceal their inventory from outside the businesses.

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she would like the amortization option to remain in the proposed Ordinance. She also requested clarification of the Town Manager's role in Ordinance 2021-10, asking if the Town Manager would be required to bring forth information on any similar businesses seeking to open in Lauderdale-By-The-Sea.

Adam Steinberg, representing Grateful J's, explained that this business had applied to move into Lauderdale-By-The-Sea without any issues. He pointed out that there is a collateral effect to amortization, which includes harming the property owner/landlord as well as potentially harming the Town. He concluded that the business has cooperated with the Town regarding the display of inventory, and hopes to be a valuable member of the community.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

Vice Mayor Oldaker requested clarification of whether or not amortization could remain in the Ordinance as a potential future option. Town Attorney Trevarthen replied that the Ordinance calls for amortization to happen, rather than providing it as an option. The inclusion of amortization in the Ordinance means it will be applied to the appropriate businesses.

Town Attorney Trevarthen continued that Ordinances may be subject to different state statutory standards after July 1, 2022. She emphasized that amortization is included in the Ordinance as a tool the Commission may use.

Vice Mayor Oldaker asked, if triggered, the amortization process would affect both the Town's tobacco paraphernalia stores. Town Attorney Trevarthen confirmed this, noting that both stores meet the Ordinance's definition of tobacco paraphernalia stores, as more than 5% of their inventory is paraphernalia.

Vice Mayor Oldaker observed that if amortization is included in the Ordinance, this would mean the Town is potentially taking steps to shut down two businesses and place a burden on two landlords. He pointed out that the two businesses have not experienced any incidents to date, and that Grateful J's has cooperated with the Town's policies by modifying its signage and lighting. Town Attorney Trevarthen confirmed that the businesses would eventually be required to close, depending upon the time frame and their documentation. Vice Mayor Oldaker stated that he did not wish to close businesses because he was not in favor of them.

Commissioner Sokolow agreed with the Vice Mayor, stating that he did not feel it would be fair to close a business because the Town may have made a mistake in approving them. He was not in favor of amortization as long as the businesses continue to act as good citizens.

Commissioner Strauss advised that Ordinances 2021-10 and 2021-15 were brought back for second reading together, as they address issues that go hand-in-hand. He noted that while one of the subject stores has removed its paraphernalia from its front windows, it is still clearly visible through those windows from where it is displayed on the back wall. He recommended retaining the reference to amortization in Ordinance 2021-10.

Commissioner Malkoon commented that he did not believe a mistake was made in allowing the second tobacco paraphernalia store to come into the Town. He added that he was also in favor of retaining the amortization portion of the Ordinance, and noted

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

that he has seen an improvement in the newer store through its compliance with signage requirements as well as in moving products out of the window.

Mayor Vincent recalled that he had strongly opposed either store's location in the Town, as he had not expected two such stores to come into Lauderdale-By-The-Sea as permitted uses. He felt allowing the second business should have been brought forward for Commission discussion; however, he also did not wish to punish a business for opening legally.

Mayor Vincent continued that if the Ordinance is adopted including the amortization mechanism, that mechanism would be triggered one year from now, with the option of granting an extension to the businesses based on documentation. Alternatively, Town Code can be changed by the Commission at any time.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the Ordinance without the amortization (Exhibit 2). Motion carried 3-2.

b. ORDINANCE 2021-15 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14 “OFFENSES,” ARTICLE I “IN GENERAL,” SECTION 14-33 “SALE OF NICOTINE VAPORIZERS OR LIQUID NICOTINE” TO CONFORM TO CHANGES IN STATE LAW, AND REQUIRING BUSINESSES SELLING TOBACCO PARAPHERNALIA TO CONCEAL THEIR INVENTORY FROM OUTSIDE OF THEIR PREMISES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she shared Commissioner Strauss' concern that tobacco paraphernalia was still clearly visible inside at least one of the subject stores, despite its removal from the window. She strongly recommended enforcement of the proposed Ordinance.

Adam Steinberg, representing Grateful J's, addressed concealment of the store's products, pointing out that the store is legally open for business and is cooperating with the Town's requirements. He felt further concealment would diminish his client's ability to operate his business, and requested that the Commission consider options other than Ordinance 2021-15 as it is currently written.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

Town Attorney Trevarthen explained that Ordinance 2021-15 is consistent with recent state law, which is preemptive. The major area of discretion in this Ordinance states that any business selling tobacco paraphernalia, not only tobacco paraphernalia stores, shall conceal its inventory of this paraphernalia from the view of the public from outside its premises. This may differ from store to store, depending upon its configuration and amount of glass area.

Another area of discretion lies with the designation of Town Code Officers as "nicotine product enforcement officers." While it was previously stated that Town Code Officers could be used to enforce regulations with respect to tobacco, the new state law would mean that nicotine product enforcement officers have jurisdiction over individuals under the age of 21 who are violating the Ordinance. Enforcement against the seller of these products is covered by Chapter 569 and would be either the Broward Sheriff's Office (BSO) or the Department of Business and Professional Regulation.

Vice Mayor Oldaker addressed the visibility of paraphernalia within stores, recalling that during previous phases of the COVID-19 pandemic, enforcement was done less strictly in order to support Town businesses. He felt Ordinance 2021-15 would address any remaining issues without resorting to amortization.

Commissioner Strauss commented that whether or not some of the subject paraphernalia may have artistic value, it should still be concealed from a front window. He also felt it was disingenuous to suggest that a store's survival might be affected by the concealment of its products, and that lighting merchandise on a back wall does not conceal those items. He concluded that the proposed Ordinance is entirely reasonable.

Commissioner Malkoon agreed with Commissioner Strauss that concealment of merchandise will not cost a store any business, as all shopping is done indoors.

Mayor Vincent concurred with Commissioners Malkoon and Strauss, stating that the purpose of Ordinance 2021-15 is to serve as a check on businesses that may not be cooperating with Town requirements.

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, to approve Ordinance 2021-15. Motion carried 5-0.

17. RESOLUTIONS – PUBLIC COMMENTS

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 25, 2022

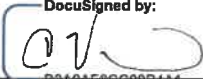
None.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:31 p.m.

DocuSigned by:

B8A8AE0000004A1...

Mayor Chris Vincent

ATTEST:

DocuSigned by:

F12BA6A7F60D4E0...

Town Clerk

3/25/2022
Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

RESOLUTION NO. 2022-21

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES SECTION 2-27 “WAIVER OF CODE REQUIREMENTS,” FINDING THAT THE PENDING REDESIGN AND APPROVAL OF PLANS FOR EXPANSION OF THE SIDEWALKS ALONG COMMERCIAL BOULEVARD, A1A, AND EL MAR DRIVE REPRESENTS AN EXTRAORDINARY CIRCUMSTANCE JUSTIFYING THE CONTINUED WAIVER OF CERTAIN REQUIREMENTS OF CHAPTER 17 “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,” SECTION 17-89 “SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS,” FOR SIDEWALK CAFES FROM APRIL 15, 2022 THROUGH NOVEMBER 10, 2022; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-27 “Waiver of Code Requirements” of the Town of Lauderdale-By-The-Sea (the “Town”) Code of Ordinances (the “Code”) provides that under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, adopted on September 21, 2020, found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until January 15, 2021; and

WHEREAS, Resolution 2021-03, adopted on January 26, 2021, found that COVID-19 continued to be an extraordinary circumstance and continued to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until July 15, 2021; and

WHEREAS, Resolution 2021-36, adopted on June 29, 2021, found that the time needed to plan and implement the transition from COVID-19 pandemic protocols to full Code compliance of sidewalk cafes, and to consider potential changes to those Code requirements were extraordinary circumstances and continued to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes until October 15, 2021; and

38 **WHEREAS**, Resolution 2021-59, adopted on October 4, 2021 and attached hereto as
39 **Exhibit “A”** (all of the prior Resolutions are exhibits to Resolution 2021-59), further extended the
40 finding of extraordinary circumstance through April 15, 2022, to allow for the planning and
41 implementation of the transition of the sidewalk cafes back to full Code compliance, and to allow
42 Town staff the opportunity to explore options in redesigning the outdoor sidewalk café area, and
43 further required the sidewalk cafes to again begin paying their sidewalk café fees for the preexisting
44 areas while continuing not to charge them fees for the temporarily expanded areas; and

45 **WHEREAS**, Section 2-27 of the Code allows the Town Commission to extend such
46 waivers upon a finding that the extraordinary circumstance still exist; and

47 **WHEREAS**, such waivers are intended to provide temporary relief from the obligations,
48 requirements, or fees provided for in the Code, and shall not be construed to authorize a permanent
49 variance from such obligations, requirements, or fees, and the waiver shall last no longer than six
50 (6) months unless extended by the Town Commission; and

51 **WHEREAS**, such waivers shall not permit the installation or construction of permanent
52 structures or buildings, and shall be applied uniformly to all similarly situated persons, properties,
53 or businesses affected by the extraordinary circumstance; and

54 **WHEREAS**, the Town Commission desires to keep in place the waivers enabling the
55 expanded sidewalk cafes to operate downtown retroactively from April 15, 2022 and through
56 November 10, 2022, to allow for the preparation and approval of design and construction plans
57 and procurement of construction services to integrate parking spaces along Commercial
58 Boulevard, A1A, and El Mar Drive into the adjacent sidewalks, and to allow Town staff the
59 opportunity to analyze and propose potential revisions to the Code requirements for sidewalk cafes
60 to reflect the changed circumstances; and

61 **WHEREAS**, once construction begins, any sidewalk café use of these areas will
62 necessarily end; and

63 **WHEREAS**, the Town Commission desires to continue to waive only the requirements of
64 Chapter 17 “Streets, Sidewalks, And Other Public Places,” Section 17-89 “Sidewalk Cafe Permit
65 Standards And Requirements,” of the Code for commercially zoned properties, which are similarly
66 situated for purposes of the waiver (the “Waiver”); and

67 **WHEREAS**, the Town Commission finds that it is in the best interests of the Town to
68 continue to waive these Code requirements to protect the public safety, health, and welfare of the
69 Town and Town residents from April 15, 2022 through November 10, 2022.

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

72 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
73 incorporated by this reference.

74 **Section 2. Redevelopment and Expansion of Sidewalks Along Commercial**
75 **Boulevard, A1A, and El Mar Drive.** The Town Commission finds that the time needed to
76 complete and approve the design and construction plans for expanded sidewalk cafes along
77 Commercial Boulevard, A1A and El Mar Drive, and to allow Town staff the opportunity to analyze
78 and propose potential revisions to the Code requirements for sidewalk cafes to reflect the changed
79 circumstances, is an extraordinary circumstance that requires continued waiver of certain
80 obligations, requirements, or fees provided for in the Code.

81 **Section 3. Waiver.** Pursuant to Code Section 2-27, the Town Commission hereby
82 extends the Waiver of the requirements of the following Town Code provisions, as further shown
83 in **Exhibit “B,”** for commercially zoned properties, which are similarly situated for purposes of
84 the Waiver, from April 15, 2022 through November 10, 2022:

85 Chapter 17 “Streets, Sidewalks, and Other Public Places,”

86 Section 17-89 “Sidewalk Cafe Permit Standards and Requirements,”

87 Subsections:

88 (a) 17-89(c)(1) and (c)(4)a., “Location”; and

89 (b) 17-89(e) “Physical Barriers.”

90 **Section 4. Requirements.** Those sidewalk cafes taking advantage of the Waiver must
91 otherwise remain in full compliance with Town Code and other applicable laws. The approved
92 temporary amended sidewalk café site plans and addendums are hereby extended through the
93 expiration of this Resolution and must be complied with. The only physical barriers that can be
94 used are those provided by the Town.

95 **Section 5. Expiration.** This Waiver shall expire on November 10, 2022,¹ unless
96 further extended by the Town Commission.

¹ This date cannot exceed six months from the effective date of this Resolution.

97 **Section 6. Conflict.** All resolutions or parts of resolutions in conflict herewith are
98 hereby repealed to the extent of such conflict.

99 **Section 7. Severability.** If any clause, section or other part of this Resolution shall be
100 held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
101 or invalid part shall be considered as eliminated and in no way affecting the validity of the other
102 provisions of this Resolution.

103 **Section 8. Effective Date.** This Resolution shall become effective immediately upon
104 its passage and shall apply retroactively back to the April 15, 2022 expiration of Resolution 2021-
105 59.

106 **PASSED AND ADOPTED** this ____ day of May, 2022.

107
108
109
110 _____
Mayor Chris Vincent

111 Attest:

112
113
114 _____
Acting Town Clerk

115
116 APPROVED AS TO FORM:

117
118
119
120 _____
Susan L. Trevarthen, Town Attorney
121
122
123



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Commissioner Oldaker

Submitting Department: Commission

Item Type: Resolution

Agenda Section: Old Business

Subject Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE CONTINUED USE OF CONNIE HOFFMANN PLAZA FROM APRIL 15, 2022 THROUGH JULY 31, 2022

Explanation: The use of Connie Hoffmann Ocean Plaza ("Ocean Plaza") is governed by Resolution 2014-18 (Exhibit A to Exhibit1).

In September 2020, the Commission allowed the use of Ocean Plaza for the expanded dining operation of Aruba Beach Café due to the COVID 19 emergency. This use was extended through April 15, 2022.

The Town Commission did not approve a proposed amendment to Resolution 2014-18 which would have allowed continued use of the plaza for outdoor dining. Since Aruba Beach Café has been utilizing this additional space for almost two years and has been a good steward of the Town's public space, I believe that we should allow the restaurant time to transition out of the Plaza.

It is my recommendation that the Commission allow the use of the Plaza through July 31, 2022. This would allow the Plaza use for Memorial Day, 4th of July and throughout BugFest. It would also provide the restaurant a smooth transition period.

Recommendation: Approve Resolution 2022-22 allowing Aruba's continued use of the Ocean Plaza through July 31.

Attachments: Ex.1 Resolution 2022-22

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34

2
3
4
5
6
7
8
9

10
11
1213
14
15
16
17

18
19

20
21
22

23
24

25
26

27
28
29
30
31
32

33
34

35 **Section 4. Conflict.** All resolutions or parts of resolutions in conflict herewith are
36 hereby repealed to the extent of such conflict.

37 **Section 5. Effective Date.** This Resolution shall become effective immediately upon
38 its passage, and shall apply retroactively back to the April 15, 2022 expiration of Resolution 2021-
39 59.

40 **PASSED AND ADOPTED** this ____ day of May, 2022.

41
42
43
44
45 Attest:

Mayor Chris Vincent

46
47
48 _____
49 Acting Town Clerk

50
51 APPROVED AS TO FORM:
52
53

54 _____
55 Susan L. Trevarthen, Town Attorney
56
57

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION 2014-18

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, ADOPTING POLICIES FOR THE USE
OF THE OCEAN AND DUNE PLAZAS AND THE BEACH
PAVILION BY ENTITIES OTHER THAN THE TOWN;
PROVIDING FOR CONFLICT AND FOR AN EFFECTIVE
DATE.**

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea ("Town")

desires to establish policies governing the use of the newly constructed Ocean and Dune Plazas
in the two easternmost blocks of Commercial Boulevard by others, and for those policies to also
apply to the Beach Pavilion at the eastern end of Commercial Boulevard; and

WHEREAS, the Town Commission finds that the policies, attached as Exhibit A, are the
minimum necessary to assure that the use of these important public spaces is consistent with the
purposes for which they were designed and constructed, is compatible with surrounding uses,
and is in the best interest of the Town, its residents and visitors, and that the costs associated with
such use are borne by the users.

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

SECTION 1. Recitals. The foregoing "WHEREAS" clauses are true and correct and
hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. Adoption of Policies. The Town Commission hereby adopts the "Policies
For Use of the Ocean and Dune Plazas & The Pavilion By Entities Other Than The Town,"
attached hereto as Exhibit A.

SECTION 3. Conflicts. All Resolutions or parts of Resolutions in conflict herewith, be
and the same are repealed to the extent of such conflict.

1 **SECTION 4. Effective Date.** This Resolution shall become effective immediately upon
2 its passage and adoption.

3 **PASSED AND ADOPTED** by the Town Commission of the Town of Lauderdale-By-The-
4 Sea, Florida, this 27th day of May, 2014.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23



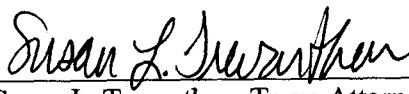
MAYOR SCOT SASSER

ATTEST:



Acting Town Clerk Gerald Bryan

APPROVED AS TO FORM:



Susan L. Trevarthen, Town Attorney



**POLICIES FOR USE OF THE OCEAN AND DUNE PLAZAS & THE PAVILION
BY ENTITIES OTHER THAN THE TOWN**

General philosophy: The beach pavilion, the Ocean Plaza, and the Dune Plaza are the premier public spaces in Town and were built for the enjoyment of our residents and visitors. They should therefore only be used for events that are open to the general public or are of significant benefit to the Town. The Town should collect fees and costs so that users bear the costs related to their events, rather than covering those costs from the Town's general fund.

The following policies and fees shall govern the use of the plazas and the Pavilion:

1. *Eligible users.* Use of the plaza for events open to the general public, shall be limited to:
 - a. Town commercial businesses (limited to 4 rentals per year per business)
 - b. Town-based non-profit organizations (limited to 2 rentals per year per organization)
 - c. Out of Town 501C Registered Non-Profit Organizations (limited to 1 rental per organization per year).
 - d. The plazas and pavilion 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.
 - e. The Town Commission may authorize the private use of the plazas by any 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).
2. *Fees and costs.*
 - a. A rental fee will be charged for all such uses. The rental structure for events that are open to the general public shall be :
 - i. Town commercial business use - \$850 per day or per night
 - ii. Town-based non-profit organization - \$215 per day or night
 - iii. Out of Town 501C Registered Non-Profit Organization - \$425 per day or night
 - b. The rental fees above are per plaza. If an organization wants to utilize both plazas for their event, they must pay rent for each plaza.
 - c. Use of the plazas as part of a larger special event shall be subject to these rental fees, in addition to the special event permit fee.
 - d. The Town Manager shall estimate the cost of Town and BSO staff to service the event, and set an additional deposit that the renter must pay upfront.
 - e. If food and beverages are to be served, the deposit shall include a pressure washing fee.
 - f. Renters will be required in their rental agreement to clean up the plazas immediately after their use, pay all fees, pay the cost of any damage they do to the Town's property, and pay for all Town & BSO costs directly associated with the event. If such costs exceed the upfront payment for those services, the renter must reimburse the Town for the difference.

3. *Insurance.* Renters must provide liability insurance (and liquor liability insurance if liquor is being served in amounts set by the Town Manager) and execute indemnification agreements with the Town in a form acceptable to the Town Attorney.
4. *Potential use on holidays.*
 - a. The Town Commission will decide if they wish to make the plazas available for use of Town commercial businesses or Town-based non-profit organizations on specific holidays. Non-profit organizations that are not based in LBTS may not rent the plazas on 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 plaza on a specific holiday two years in a row if another business or non-profit wants the opportunity. The Town Manager shall 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.
5. *Use on the same day as a special event.* Rentals will not be considered on days or evenings of Special Events with which they would interfere or conflict.
6. *Sales.* There shall be no sales of manufactured products (excluding food products) in the plazas during these events. Only hand-made artisan products may be sold in connection with such a rental. However, manufactured goods may be auctioned or sold at a charity event in the plaza. This restriction does not apply to the sale of food or food products.
7. *Cancellation for Town-sponsored event.* The Town reserves the right to cancel the rental up to 90 days in advance if the Town Commission decides to hold a Town-sponsored event in the plaza on that same date.



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted by: Commissioner Randy Strauss

Submitting Department: Town Commission

Item Type: Discussion

Agenda Section: OLD BUSINESS

Subject Title: Motion to Reconsider Resolution 2022-17

Explanation: On April 26, 2022, the Town Commission voted unanimously to amend Resolution 2022-17 Commission meeting procedures.

Section H.ii. of the Town's Meeting Procedures Resolution states that:

"Motion to Reconsider. A motion to reconsider any question which has been determined by the Town Commission may be made only **by a Commissioner who voted on the prevailing side** and who, **not later than the next regular or special meeting** following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular or special meeting agenda."

I was on the prevailing side of the meeting procedure resolution, and therefore am eligible to move to reconsider. This evening is the Commission's meeting agenda following April 26, so the motion is timely.

After further consideration, I would like to move to reconsider the resolution regarding the requirement to provide a copy of any PowerPoint style presentations the Commission at least 48 hours prior to the meeting time (Lines 400-403).

Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible.

The language below was stricken from the Resolution at the last meeting and my proposal is to include the previously stricken language and to amend it as follows:

Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible. **If not feasible, the item will be continued to the next Town Commission meeting.**

Recommendation: Approve the motion to reconsider the approval of Resolution 2022-17 Commission Meeting Procedures.

Attachments: Resolution 2022-17

1
2
3
4
5
6
7
8
9

RESOLUTION 2022-17

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION
MEETING AND AGENDA PROCEDURES; PROVIDING FOR
CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

10 **WHEREAS**, Section 2-19 “Minutes and Procedures of Meetings,” of the Code of
11 Ordinances of the Town of Lauderdale-By-The-Sea, Florida, provides that the Town Commission
12 may establish procedures relative to Town Commission meetings and agendas; and; and

13 **WHEREAS**, the Town Commission adopted Resolution 2011-05 on March 22, 2011,
14 amending and replacing Resolution 2010-21 which set forth such procedures, and adopted
15 Resolution 2011-17 on June 28, 2011 further updating the procedures; and

16 **WHEREAS**, on April 8, 2014, the Town Commission adopted Resolution 2014-15, on
17 October 28, 2014 the Town Commission adopted Resolution 2014-42, on May 12, 2015 the Town
18 Commission adopted Resolution 2015-17, on April 12, 2016, the Town Commission adopted
19 Resolution 2016-13, and on November 15, 2016, the Town Commission adopted Resolution
20 2016-42, all repealing all prior resolutions and adopting new Commission Meeting and Agenda
21 Procedures; and

22 **WHEREAS**, the Town Commission seeks to further revise the Commission Meeting and
23 Agenda Procedures as set forth herein; and

24 **WHEREAS**, these Town Commission Meeting and Agenda Procedures shall be
25 administered and implemented with flexibility, to assure that the will of the majority is
26 accomplished while the rights of the minority are protected, to the end of accomplishing Town
27 business in an efficient, effective and respectful manner; and

28 **WHEREAS**, the adoption of these procedures is in the best interest of the Town of
Lauderdale-By-The-Sea.

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

SECTION 1. Recitals. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. Procedures Adopted. The Town Commission Meeting and Agenda Procedures set forth in Resolution No. 2016-42 are hereby amended in part to read as follows:¹

A. TOWN COMMISSION MEETINGS

- i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission shall hold regular meetings each month at Jarvis Hall, and may decide not to have a regular meeting in a given month. Regular Commission meetings are held at 6:30 p.m. The Commission may cancel or reschedule regular Commission meetings as it determines to be necessary. A regular meeting may be recessed to a later date certain which is announced at the regular meeting. All meetings shall be open to the public, except as may be expressly exempted by state law, and shall include a section devoted to public comment prior to taking any official action pursuant to Section 286.0114, Florida Statutes. The Town Manager or his or her designee (hereinafter referred to as "the Town Manager") shall attend regular meetings, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney or his or her designee (hereinafter referred to as "the Town Attorney") shall attend regular meetings. The purpose of such meetings is to conduct the business of the Town. If an item results (or may result) in extensive discussion at a regular meeting, any Commissioner² may move that the item be continued to a roundtable for discussion or to a special meeting if action is contemplated. ~~Items requiring Commission action to become effective must return to a regular or special Commission meeting if such action is to be taken.~~
- ii. **Roundtable Workshop Meetings.** The Town Commission shall meet as needed in a roundtable to be conducted as a public meeting and provide for a public comment period as described below in Sub-section F.ii. ~~Roundtables, when held, are traditionally held on the second or fourth Wednesdays of each month at 6:30 p.m.~~ The Commission may schedule, cancel or reschedule roundtable meetings of the Commission as it determines to be necessary. A roundtable may be recessed to a later date certain which is announced at the roundtable. The Town Commission may discuss each item, defer the item to a later roundtable, or indicate that the item is ready to be placed on the agenda of a regular or special commission meeting for action. The Town Commission shall discuss the agenda items and provide

¹ Changes from Resolution 2016-42 are shown in ~~strike through~~ and underline text, to indicate deletions and additions respectively.

² All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

67 feedback, but shall not take action at roundtables. The Town Manager shall attend
68 the roundtable, prepare an agenda with appropriate backup, and assure that relevant
69 staff persons are present for the items on the agenda. The Town Attorney shall
70 attend roundtables.

71
72 iii. **Special Meetings.**

73
74 (a) Special meetings shall be handled as provided in Town Code Section 2-18.

75
76 (b) With the written notice and following the procedures required in Section 2-
77 18, the Commission may hold special meetings at any time on the call of
78 the Mayor, the Manager or any Commissioner, upon no less than 48 hours'
79 notice to each Commissioner and the public. Alternatively, special
80 meetings may be called on such shorter notice as any two (2)
81 Commissioners shall deem necessary in case of an emergency affecting life,
82 health, property or the public peace. Immediately upon convening such
83 special meeting, the Town Commission shall consider any such
84 determination of emergency, and may continue the meeting if an emergency
85 is found to exist by at least three (3) Commissioners. Emergency special
86 meetings shall always be scheduled with as much notice as is possible under
87 the circumstances.

88
89 (c) A majority of the Commissioners (three (3)) shall constitute a quorum to
90 transact business, but a lesser number may meet and adjourn from time to
91 time and, if necessary, may compel the attendance of absent
92 Commissioners. **Special** Commission meetings are **generally** held at 6:30
93 p.m., but shall be scheduled to accommodate the schedule of all Town
94 Commissioners as much as is feasible. The Town Manager shall attend the
95 special meeting, shall prepare an agenda with appropriate backup, and shall
96 assure that relevant staff persons are present for the items on the agenda.
97 The Town Attorney shall attend special meetings. Only those matters listed
98 on the agenda of the special meeting shall be discussed, and no additional
99 items may be added at the special meeting.

100
101 (d) Notice to the public shall be accomplished by posting at the Town Hall.
102 Notices shall state the place, date and hour of the special meeting and the
103 purpose for which such meeting is called and no further business shall be
104 transacted at the meeting, except as stated in the notice. Discussions at a
105 special meeting shall be limited to the items listed on the agenda for such
106 meetings. All special meetings shall be open to the public, except as may
107 be expressly exempted by state law.

108
109 (e) A special meeting may be recessed to a later date certain which is
110 announced at the special meeting.

111
112 iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all
113 meetings of the Town Commission shall be governed by the rules of procedure
114 provided by Robert's Rules of Order. Unless objection thereto is made by a

Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution, in accordance with Town Charter Section 6.2.
- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last in any roll call vote, but does not have veto power. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken. After a decision is made, it shall be read back by the Town Clerk as clearly and concisely as possible.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The Mayor may interrupt to maintain order and decorum, but such interruption shall not

163 reduce the speaker's time. The Mayor is given the right and the authority to require
164 such person to leave Jarvis Hall, to be accompanied, if necessary, by a Police
165 Officer, in accordance with Section 2-23. In the event the audience, or a part
166 thereof, becomes unruly, the Mayor may either recess or adjourn the meeting.
167 Persons violating Florida Statute Section 871.01 may be arrested by police officers
168 present and noting the willful interruption or disturbance.

169
170 C. ORDER OF BUSINESS

171
172 The order of business of the Town Commission at the regular Commission meetings shall
173 be as follows:

- 174
175 (1) Call to Order/Invocation (See Resolution No. 2016-04)/Pledge of
176 Allegiance
177 (2) Additions, Deletions, Deferrals of Agenda Items
178 (3) Special Presentations
179 (4) Public Comments
180 (5) Public Safety Discussion
181 (6) Town Manager Report
182 (7) Town Attorney Report
183 (8) Approval of Minutes
184 (9) Consent Agenda
185 (10) Old Business
186 (11) New Business
187 (12) Commissioner Comments
188 (13) Ordinances
189 (14) Resolutions
190 (15) Quasi-Judicial Public Hearings
191 (16) Adjournment

192
193 Where any applicable law may require a different order or procedure for the Commission
194 meeting, such as for meetings involving the budget, those laws shall be followed and the
195 meeting procedures altered as may be appropriate.

196
197 Upon request by the Mayor or a Commissioner or the Town Manager, items on the agenda
198 may be moved out of sequence to expedite the matters before the Town Commission, or
199 ensure that items that related to each other are considered in context or for such other
200 reasons as may be deemed appropriate by the Town Commission.

201
202 D. COMMISSION DISCUSSION

- 203
204 i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to
205 three minutes except as may otherwise be determined by a majority of the Town
206 Commission. Each Commissioner shall be afforded the opportunity to offer
207 rebuttal on each item discussed, which shall also be limited to three minutes. These
208 time limits will not be strictly enforced unless the Town Commission votes to do
209 so. A Commissioner, once recognized by the Mayor, shall direct all comments or
210 questions on the subject matter being discussed to the Mayor only. Commissioners

shall not engage in cross conversation with other Commissioners or the public, and shall not engage in personal attacks. Commissioners shall not interrupt another Commissioner who has the floor, and shall be polite and respectful. Those who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23. The Town Manager may play a role in keeping the Town Commission discussion on topic and keeping the meeting moving forward. The Mayor shall not unreasonably withhold or delay recognition of any Commissioner desiring to speak. The Mayor shall recognize other Commissioners in rotation and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak.

- ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct questions to another Commissioner or to the public, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a Commissioner wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the Commissioner. All questions of Town staff shall be made through the Town Manager.

E. PUBLIC PARTICIPATION AND DISCUSSION

- i. **Public Hearings.** Individuals wishing to speak on matters that appear on the agenda as “Public Hearings” need only to be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing, for a maximum of three minutes each. After the Public Hearing is closed by the Mayor, only Commissioners or Town administration shall discuss the item.
- ii. **Addressing Commission: Manner and Time.** Public discussion at public hearings or at items which are opened to public discussion (other than the general Public Comment portion of the meeting) shall be limited to three minutes maximum per person. A person’s allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. However, a group of people may ask the Mayor to allow them to combine and donate their time to a single speaker, who shall not speak for longer than the donated time, up to ten (10) minutes total or such other maximum time that the Mayor may establish. However, the Mayor may authorize the extension of this time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall approach the speaker’s podium, shall give his or her name and state whether he or she is a resident of the Town. No person other than the member of the public recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. No person shall approach the dais without first receiving permission from the Mayor. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. The normal practice shall be for the Town Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the Town administration.

Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23.

F. COMMISSION MEETING ITEMS

- i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition. No vote or official action may be taken on a presentation unless an opportunity for public comment is first provided, in accordance with Section 286.0114 Florida Statutes.
- ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. Immediately prior to calling a meeting to order, the Mayor shall make an announcement regarding the signup procedure and provide a "last call" for speaker sign up. A statement shall be included in the agenda of each Commission meeting at which public comments is an item on the agenda, summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments," and may also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. A person's allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time, or they may address the agenda item during public comment, but no person shall have the opportunity to comment on an item both at public comment and at the time of the agenda item. The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.
- iii. **Public Safety Discussion.** The chiefs of the Town's police, fire and emergency medical service providers or their designees will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda.
- iv. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission direction or action. The Town Manager shall may produce a written progress report for all major pending events in the Town, and an updated version shall may be provided as backup for the Town Manager Report at the second regular Commission meeting of each month. The Manager may show an item as complete when he or she deems it so, in a separate section at the bottom of the progress report. Upon approval of

the report by the Town Commission, the completed item may be removed from the next progress report.

- v. **Town Attorney Report.** The Town Attorney shall make any report to the Commission at this point in the agenda. However, if the Town Attorney has substantial matters for the Commission to discuss or decide, they shall be presented as agenda items.

- vi. **Consent Agenda.** There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain motions, resolutions, and other matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.

- vii. **Old and New Business**

(a) **Administration Items.** The Town Manager will place items under these sections when Commission discussion and direction is sought. The item will be placed under New Business when the item has not been discussed previously, and under Old Business if it was previously discussed.

(b) **Commissioner Agenda Items.** Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. The item will be placed under New Business (or Old Business if it has been previously discussed). Except for informational reports, a signed written memorandum or form provided for such purposes ~~shall~~ should state the purpose of the item/action, the major points to be covered, the reasons for necessary action, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. This agenda request shall be provided to the Town Manager prior to the deadline for closing the agenda of the meeting for which it is requested, and date stamped on the front of the first page upon receipt by Town staff. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once heard, the request shall not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

- viii. **Commissioner Comments.** This section of the agenda shall be utilized by the Mayor and Commissioners to provide informational reports. Each Commissioner and the Mayor shall have a maximum of three minutes for such reports, and there shall be no discussion with other Commissioners of such items. The Mayor may allow additional time for any Commissioner Comments. A Commissioner is entitled to additional time, as necessary to report on specific Commissioner assignments, Town liaison activities or responsibilities (such as reporting on the

activities of a County committee on which a Commissioner sits as a Town representative). The order of speaking shall be determined at random.

- ix. **Ordinances and Public Hearings.** Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.
- x. **Resolutions.** Resolutions not included on the consent agenda may be placed under New or Old Business shall be placed on this portion of the agenda. The Mayor may allow public comments on Resolutions.
- xi. **Adjournment.** All meetings of the Town Commission, whether they be special or regular meetings, or roundtable workshops, shall be adjourned at 11:00 p.m. However, the Town Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting.

G. COMMISSION AGENDA PREPARATION

- i. **Agenda Closing Dates.** The Town Manager will endeavor to close the agenda for any all-regular, special or workshop meetings of the Town Commission no later than shall be closed by noon on the Monday of the one week prior to the date of the meeting. The agenda for all roundtable meetings of the Town Commission shall be closed by noon on the Tuesday of the week prior to the date of the meeting. The Manager shall determine the agenda closing date for any special meetings at least seven (7) days prior to the date of the meeting. No additional items shall be added to the agenda of the regular, or special or workshop meeting after the agenda closing date unless it is necessary for a compelling reason. An additional item requiring Commission action may only be added to the agenda by majority vote of the Town Commission at the a regular meeting. Alternatively, the item may be deferred to a date certain.
- ii. **Placement of Commissioner Items on Agenda.**
 - (a) Regular Meetings.—All appropriate background material shall accompany the item on the form given for this purpose, and the action proposed to be taken shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by a Town Commissioner to the Town Clerk by 12:00 noon on the Monday of the week prior to a regular meeting. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the Friday prior to the regular meeting, by posting the agenda material on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the regular meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the Thursday prior to the date of the regular meeting, to the extent feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be

provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible.

~~(b) Roundtable Workshop Meetings. All appropriate background material shall accompany the item on the form given for this purpose, and the item of discussion and any action to be considered shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by a Town Commissioner to the Town Clerk by 12:00 noon on the Monday of the week prior to a roundtable meeting. Items requiring no backup shall be submitted to the Clerk by noon on Wednesday, one week prior to the roundtable meeting. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the Monday prior to the date of the roundtable meeting, by posting the agenda material on the Town website. The Town Commission may discuss the item, defer the item to a later roundtable, or indicate that the item is ready to be placed on the agenda of a regular or special commission meeting for action.~~

iii. **Preparation of Ordinances and Resolutions. Legislation.** All Ordinances and Resolutions shall show the name of each Commissioner and whether such Commissioner voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor and attested by the Town Clerk. The Town Attorney shall review and sign off as to the form of each ordinance and resolution.

iv. **Sequence of Agenda Items.** Upon request by the Mayor or a Commissioner, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Commission, or assure that items that are related to each other are considered in context, or for such other reasons as may be deemed appropriate by the Town Commission.

iv. **Backup for Procurement/Purchasing Agenda Items.** The Town Manager shall provide suitable relevant backup and information on all the items, including any information on past experience with bidders or responders on a purchasing item.

vi. **Minutes.** The Town Clerk shall have minutes ready for approval on the next available Commission meeting agenda if feasible, given the number and length of pending minutes and other workload considerations. Minutes shall record all actions taken by the Commission, and shall contain sufficient detail regarding decisions made, comments received, and discussion of the Commission.

H. OTHER PROCEDURES

i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the Town Charter or Town Code.

ii. **Motion to Reconsider.** A motion to reconsider any question which has been determined by the Town Commission may be made only by a Commissioner who voted on the prevailing side and who, not later than the next regular or special

meeting following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular or special meeting agenda.

- iii. **Roll Call Vote.** If the Town's automatic voting system is not working, any Commissioner may demand the yeas and nays on any question submitted, or to be submitted, to voice vote and, when so demanded, the Town Clerk shall call the roll of Commissioners present and record the vote of each Commissioner, and the Mayor shall vote last.
- iv. **Tie Vote.** Tie votes automatically fail.
- v. **Action Agenda.** An action agenda shall be circulated by the Town Clerk within forty-eight hours of each Commission meeting if feasible, containing a brief description of action taken or discussion among the Commission on each agenda item.
- vi. **Order of Seating.** On the Commission dais (facing the audience), the Town Clerk shall be seated at the left end and the Town Manager shall be seated at the right end. The Mayor shall be seated in the center of the dais, with the Town Attorney seated to his or her left side.
- vii. **Waiver of the Procedures.** The intent of these procedures is to assure the smooth and efficient functioning of the Commission meeting, and to prioritize the completion of Town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the Commission while giving due consideration to the rights of the minority. However, any Commissioner may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an amending Resolution.

I. QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings shall be excepted from this Resolution and shall be governed by Town Code.

SECTION 3. Conflicts. All resolutions or parts of resolutions in conflict herewith, including Resolution 2010-21, Resolution 2011-05, Resolution 2011-17, Resolution 2014-15, Resolution 2014-42, Resolution 2015-17, Resolution 2016-13, and Resolution 2016-42 are hereby repealed to the extent of such conflict.

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

494 **SECTION 5. Effective Date.** This Resolution shall become effective immediately upon its
495 passage and adoption.

496 **PASSED AND ADOPTED** by the Town Commission of the Town of Lauderdale-By-The-
497 Sea, Florida, this ____ day of _____, 2022.

498 _____
499 MAYOR CHRIS VINCENT

500 ATTEST:

501 _____
502
503
504 Acting Town Clerk Katrina Adler

505
506
507 APPROVED AS TO FORM:

508
509
510
511 _____
512 Susan L. Trevarthen, Town Attorney



Town Commission Agenda Item Report

Meeting Date: May 11, 2022

Submitted by: Judson Hopping, VFD and Debbie Hime, Special Events Manager

Submitting Department: Administration

Item Type: Consent

Agenda Section: New Business

Subject Title: 2022 4th of July Celebration

Explanation: The Volunteer Fire Department's ("VFD") Fourth of July Special Event (the "Event") application (**Exhibit 1**) is submitted as a cooperative effort with BSO, Town staff, and community business and resident volunteers. The Town budgeted \$44,500 (the "Cost") for this Event, with the largest expense being allocated to the fireworks (\$24,000). The Cost includes a \$3,500 donation to the VFD for their services in coordinating the Parade and Fireworks, \$2,000 for BSO detail, and \$12,000 for the Parade and Family Fun Day.

If the Commission agrees to move forward with the day's events, the Event schedule will be as follows:

2022 4th of July Celebration

Event	Proposal
Parade	10 a.m. El Mar to Hibiscus
Fun Day	11a.m 3:00 p.m. El Prado Park
Fireworks	9:00 p.m. FDG Lot TBD

Friday, July 1	Set up of Emergency Lane on Beach	9:00 AM
Saturday, July 2	Port a Johns @ El Mar Portals	9:00 AM
Monday, July 4	Parade Staging Begins	8:30 AM
	Parade Begins	10:00 AM
	Fireworks Display	9:00 PM
Monday, July 5	Fireworks Area Cleanup	5:00 PM

The Pelican Hopper will operate under an adjusted route (away from Bougainvillea) during the Parade; and parking on the inside median lanes on El Mar will begin after the parade is over for beachgoers and fireworks. We will advertise the parade and Fun Day in neighborhoods, on social media, fliers, yard signs, and Visit Lauderdale.

In preparation of the Event, staff has or will complete the following:

1. Ask FDG to use the 4560 El Mar lot for our fireworks display. If they refuse our request, El Prado Park Beach is the back-up location;
2. Prepare the FDEP Field Permit for Fireworks Display on the beach;

3. Submit the FDOT Permit Application requesting the Commercial Bridge in down position prior to and during Fireworks display; and
4. Draft and execute a Memorandum of Understanding with LBTS VFD to retain their services to provide event planning and coordination.

Town staff has been advised by the Fire Marshal that, due to increased safety measures, El Mar Lane in both directions be closed to traffic 30 minutes prior to start of the fireworks and that no persons other than working VFD and fireworks contractors are to be inside fence area.

In addition to staff's efforts, Zambelli will provide their special event application to the Fire Marshall for review once Commission has approved this Event.

Section 17-116 of Town Ordinances for Town-sponsored and co-sponsored events, requires that the event application include a statement of how the Town will benefit from the event, project any net revenues, and contain a statement of how the revenues will be distributed. This information is provided in **Exhibit 2**.

Recommendation: Staff recommends approval of VFD's Event application and the Town's sponsorship of the Event with the following conditions:

1. All related permits will be secured no later than June 3, 2022.
2. A minimum of five detail BSO deputies and an event supervisor to be staggered at the beginning and end of shifts to address traffic and crowd control. BSO shall coordinate the police detail to ensure that crowd control and event security is provided throughout the Anglin's Square area and the fireworks launch area. Scheduled hours for these deputies will be coordinated with the BSO District Chief.
3. A MOT will be established (**Exhibit 3**) and provided to the Commission at the meeting prior to the Event.
4. Beach Emergency Lane for VFD, BSO, and Town vehicles will be established on the beach east of the sea oats from Palm to Pine starting Friday, July 1 and removed on Tuesday, July 5.
5. Fireworks provided by Zambelli Fireworks are specifically approved subject to all the conditions of their contract, which includes Fire Marshal approval, Town receiving the required insurance naming the Town, VFD, and FDG as additional insured.

PARADE

6. Parking shall ensure that all parking in the southbound lanes of El Mar are secured no later than 7 a.m. for the parade.
7. The 4400-4600 blocks of Bougainvillea Drive will be closed on the morning of July 4th, from 8:30 a.m. to 11:30 a.m. for set up, staging, and a rolling street closure along the parade route.
8. El Mar Drive southbound lanes will be closed on July 4th from 9:45 a.m. until approx. 11:30 a.m. for the parade.
9. Parade participants may not hand out promotional materials unless approved four working days in advance of the event.

DURING THE DAY AND EVENING

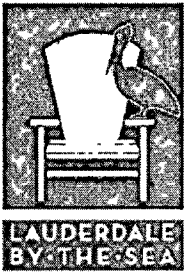
10. Parking will stage and remove no parking signs along El Mar Drive. If necessary, parking will place cones along El Mar Drive to further prevent drivers from parking on the street.

11. Community Church may park vehicles on their property and on the adjoining right of way.
12. Hamilton's Valet Services ("Valet") may post signs and establish a valet station from the public right-of-way on El Mar at the north alley and block four spaces immediately in front of the valet station for vehicles to U-turn (former spaces 114, 115, 128, 129). Spaces may be blocked by valet all day to ensure they are available for valet service. Hamilton's Valet Service will be permitted to temporarily park vehicles on the northbound, inside lane of El Mar Drive from the median break to the Driftwood crosswalk (**Exhibit 4**).
1. Block El Mar Drive in both directions in front of the fireworks firing zone. Northbound lanes will be blocked at turn around near Blue Seas Courtyard and southbound lanes closed at Washingtonia from 8:30 until after fireworks display has ended.
13. VFD will set up a 10' x 10' canopy at the fireworks display site to be used for the VFD fire watch crew for fireworks. Emergency vehicles may block certain areas of the northbound median lane for staging of vehicles.
14. The Public Works Department will place additional waste receptacles and recycle bins throughout the Town and will empty receptacles during the day as needed.
15. Public Works will coordinate the delivery of nineteen (19) portable bathroom facilities that will be placed at the following locations: three (3) regular and (1) ADA at El Mar Plaza, four (4) regular and two (2) ADA in El Prado Park, one (1) regular at 4546 El Mar Drive (Firewatch for Fireworks), and two (2) each (1 ADA, 1 regular) at Washingtonia, Pine, Datura, and Palm beach portals.

If the Event is approved, staff recommends that the Commission also take the following action:

1. Approve \$3500 payment to VFD for their services to coordinate the Parade and Fireworks
2. Block four (4) parking spaces to allow for turnaround traffic on El Mar Drive at Datura in the likely event that BSO has to close Anglin's Square to vehicular traffic in the evening. This anticipated closure allows BSO to manage the large egress of pedestrian traffic that is experienced post-fireworks. Additionally, a turnaround at the north alleyway will also be used as a relocation point for Hamilton's Valet due to the likely Anglin's Square closure.
3. Approve El Mar median lane for public parking after the parade.

Attachments: Ex. 1 4th of July VFD Special Event Application MOT Artwork.pdf
Ex. 2 Overview of 4th of July Town Sponsored Event
Ex. 3 Example of MOT from 2021 4th of July
Ex. 4 Agenda Memorandum re: El Mar Vehicle Stacking



SPECIAL EVENT APPLICATION INFORMATION

For your event to be considered by the Town Commission, a ***fully completed*** application must be submitted ***at least*** 60 days prior to the date of the event.

This application is available in Word format at www.lbts-fl.gov/town/docs.htm. If possible please use the Word document and your computer to complete the application.

An application is not considered complete unless it includes:

1. A full description of the proposed event,
2. A detailed site plan (*very important!*),
3. All required documents, and
4. The application fee.

A meeting with Special Events Permitting is required before submitting a Special Event Application. Questions? Call our Special Projects Coordinator at 954-640-4200 or email debbieh@lbts-fl.gov.

Payment of Special Event Permit fee is required at the time of Application submission via hand delivery or by mail to:

Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

A Special Event shall be approved by the Town Commission before an event is advertised to the public. A special event is defined as a concert, festival, race, walk, carnival, show, exhibition, parade, or any other similar outdoor event whether operated totally outdoors, on stage, under tents, or with the use of any temporary building or structure, ***to which members of the public are invited as participants or spectators.***

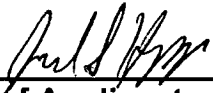
Please review the Town's special event requirements by clicking on: https://www.Special_Event_Requirements
 Or download a copy of the Special Event Requirements from our website and review them before submitting your application.

Important to remember:

1. Your event is approved by the Town Commission with "Conditions" that must be met or your event is cancelled. READ and understand the Conditions. *Talk with us if you have questions.*
2. You are responsible for securing and paying for all fees, licenses, and permits required by any governmental agency having jurisdiction, providing the Town evidence of all required insurances, and providing evidence of organization and/or charity.
3. You have to file all of the required documents shall be provided not later than 30 days prior to the event date or the event authorization terminates (unless prior arrangements have been approved by Town).
 - a. Insurance
 - b. Vendor lists and licenses
 - c. File site plan

4. Parking is limited in Lauderdale-By-The-Sea, and will be a consideration when approving your event.
5. You may have to obtain permits from the Building & Fire Departments to meet Florida Building Code and Fire Code standards.
6. You are responsible for securing and paying for all fees, licenses, and permits required by any governmental agency having jurisdiction.

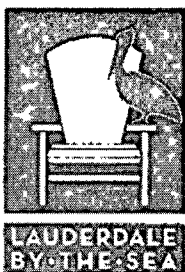
I (Applicant) have read and fully understand the above:



Signature of Applicant

Print Name: Judson Hopping

Event Name: Independence Day celebration



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: Independence Day Celebration

Event Purpose, Description and Activities: Parade, Family Activities, Fireworks Display

New Event ☐ or Returning Event ☒ Previous Attendance ☐

Day(s) and Date(s) of Event: Monday July 4th

Proposed location of the Event (location, streets, landmarks):

Townwide parade, El Mar Park, El Mar parking lot

How many people do you anticipate on site at any peak time?

Participants: #Spectators 600 #Adult volunteers: 75

Please complete the following table:

Activity		Day	Time
Start of set-up:	<u>7/2</u>	<u>Saturday</u>	<u>9:00 AM</u>
Start time of the Event:	<u>7/4</u>	<u>Monday</u>	<u>10:00 AM</u>
EVENT			
End time of the Event:	<u>7/4</u>	<u>Monday</u>	<u>11:00 PM</u>
Start of Clean up:	<u>7/4</u>	<u>Monday</u>	<u>9:30 PM</u>
Clean-up completed by: (Site restored to original condition)	<u>7/5</u>	<u>Tuesday</u>	<u>10:00 AM</u>

Name and address of host or sponsoring organization:

Is applicant a Non-Profit Organization?

YES NO

Please attach Organization's proof of 501c3 IRS exemption, background, history, accomplishments, and other events:

Person submitting Application ("Responsible Party"):

Name: *Judson Hopping*
Mailing address: *4513 N. Ocean*
Phone: *954 640 4230* Mobile phone: *954 868 7776*
Email: *jhopping@LBTSFIRE.COM* Fax:

Representative(s) who will be at each day of the event:

Name(s):
Mailing address:
Phone: Mobile phone:
Evening phone: Fax:
Email:

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: *Judson Hopping* Company Name: *LBTS FIRE*
Business Address: Company Email: *jhopping@LBTSFIRE.COM*
Phone Office: Phone Mobile: *954 868 7776*

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:

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:

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: Town

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: 10
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@lbts-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:

Include sign locations on detailed Site Plan or attach a separate sheet.

RESTROOMS (show on Site Plan)

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: 20
(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
I don't know, please advise _____

If yes, indicate the streets and blocks and times the closure is requested:

Rolling Road Blocks Along Parade Route

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

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

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?
Do you anticipate needing code compliance officers for your Event?

☒ YES ☐ NO
☐ YES ☒ NO

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

If YES, has the Florida Health Department approved the food vending Site Plans?

YES NO

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

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

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	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?

YES

☒ NO

If yes, please give details:

FIREWORKS

(Fireworks require a separate permit approval process and application)

Are you requesting approval to discharge fireworks at the event?

☒ YES

NO

SALE OF MERCHANDISE

Are you requesting approval to offer other items for sale at the event?

☒ YES

NO

List items for sale: *T-shirts*

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

NO

If yes, please provide the number and description of each type:

Mechanical/Electrical:

Inflatable (bounce house etc.): *water slide*

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



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 jh

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?

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 9:00 AM and the area will be cleaned and open by 11:00 PM
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 ____ 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.

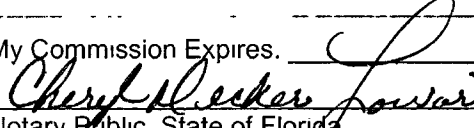
PERMISSION OF THE PROPERTY OWNER

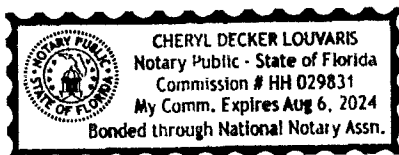
Applicant's and Property Owner's Certification

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): 	Property owner's Signature (required):
Date: <u>4/28/22</u>	Date: _____
Applicant's (Print information below) Name: <u>Judson Hopping</u> Title: <u>Fire Chief</u> Organization: <u>LBTIS Fire Department</u> Telephone: <u>954 840 4250</u> Mobile: <u>954 868 7726</u> Email: <u>Jhopping@LBTISFire.com</u>	Property Owner's (Print information below) Name: _____ Title: _____ Organization: _____ Telephone: _____ Mobile: _____ Email: _____
STATE OF FLORIDA: COUNTY OF BROWARD:	STATE OF FLORIDA: COUNTY OF BROWARD:
SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by <u>JUDSON HOPPING</u> who is personally known to me/provided <u>FL DRIVERS LIC</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 _____ who is personally known to me/provided _____ as identification and who did/did not take an oath.
My Commission Expires: <u></u> Notary Public, State of Florida	My Commission Expires: _____ 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)

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.*

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.

Judson Hopping
Applicant's Signature (required)

4/29/22
Date

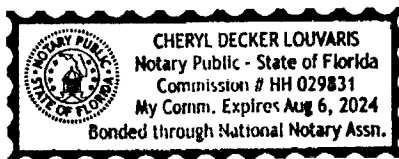
Judson Hopping Fire Chief
Applicant's Printed Name and Title/Organization

954 640 4250
Telephone Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida,
by JUDSON HOPPING who is personally known to me/provided
FL DRIVERS LIC as identification and who did/did not take an oath.

Cheryl Decker Louvaris
Notary Public, State of Florida
My Commission Expires:



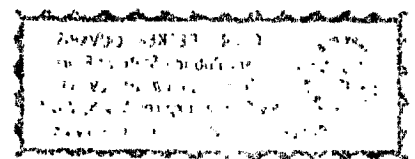


EXHIBIT 2

Section 17-116 of Town Ordinances for Town-sponsored and co-sponsored events, requires the following information to be provided to the Commission:

1. **Benefit to Town:** The 4th of July event is an annual event that benefits the business and residential community. The 4th of July events bring people to Town who support local businesses, including the hotels. The Town residents enjoy the hometown friendliness and family spirit like the parade, family events, and fireworks. It gives residents a chance to show their patriotic spirit, renew friendships, and make new acquaintances. It also allows businesses to remind and engage residents.
2. **Projection of Net Revenues:** The event will not make a profit.
3. **Total Cost of Event, Lost Town Revenues, and Additional Expenses:**

The following expenses except as noted otherwise are paid from department budgets:

- A. As sponsor of the event, the Town pays for the fireworks display (\$24,000), reimburses VFD's expenses for the parade and family fun day for providing lunch and water for VFD, BSO and Town Staff throughout the day.
- B. Tthe Town pays \$3,500 to the VFD to coordinate the day and Town reimburses VFD for their incremental expenses, including coordination of the parade and coordination of the safety aspects of the fireworks display. We note again that Family Day in El Prado Park will not occur this year.
- C. Total budgeted for the 2022 event is \$42,500 with the Public Works Department incurring about \$1,500 in overtime expenses (not included in event budget) for set up assistance and trash disposal throughout the day and evening which are not included in the event expenses. Family Fun Day costs are normally
- D. Other Town Staff hours are not included in the event budget.
- E. Contributions from local businesses and individuals ("Sponsors") sometimes offset a small portion of the expenses incurred by the Town. Parade donors and sponsors generated \$6,850 in 2021.
- F. BSO will provide services for the Parade at no additional expense to Town.

BSO incurs an additional expense for special detail deputies assigned to handle the crowd and traffic control at the fireworks event. A total of (7) deputies and (1) sergeant will be utilized to cover a total of 35 hours on staggered shifts; projected expenditures for this special detail is \$2,000. This figure may increase slightly since we probably will not have our dedicated COP's assisting this year, and. Town reimburses BSO for this expense, and it is included in Town expenses.
- G. Waste Pro will donate an estimated 19 portable toilets at Pine, Palm, Washingtonia, Datura, El Prado Park, at the fireworks firing site, and at El Mar Plaza. They will also supply 1 dumpster located at a location specified by Public Works, which may include two spaces in front of the El Mar Public Restrooms.
- H. The Town pays the Volunteer Fire Department \$3500 to coordinate the event. The members of the Volunteer Fire Department contribute about 500+ volunteer hours at

no cost to the event. Fire Department incurs about \$1,600 in miscellaneous expenses, which Town reimburses.

Town Revenues:

2022 Expenses: The Town has budgeted \$42,500 (including fireworks) for this year. The table below shows the finances for past 4th of July events:

July 4 th	Total Cost	Donations	Town Direct Expense (1)	These expenses are included in column 2 – Total Cost.	
				Fireworks	Firing Location
2021	\$40,386.68	6,850.00	\$40,386.68	\$20,000	\$0.00 (beach)
2019	\$40,099.79	\$3,900.00	\$40,099.79	\$20,000	\$0.00 (beach)
2018	\$34,382.49	\$350.00	\$34,032.49	\$20,000	\$0.00 (beach)
2017	\$33,422.18	\$950.00	\$32,472.18	\$20,000	\$0.00 (beach)
2016	\$29,068.00	\$2,705.00	\$26,363.00	\$16,000	\$ 0.00 (beach)
2015	\$32,059.60	\$2,100.00	\$29,484.88	\$20,000	\$ 0.00 (beach)
2014	\$26,166.44	\$20,000.00	\$6,166.44	\$20,000	\$ 0.00 (beach)
2013	\$32,623.17	\$10,104.00	\$22,519.17	\$20,000	\$ 0.00 (beach)
2012	\$22,188.57	\$3,115.38	\$19,073.19	\$15,000	\$ 0.00 (beach)
2011	\$28,227.62	\$2,045.00	\$26,182.62	\$15,000	\$10,000 (pier)
2010	\$35,393.02	\$19,539.00	\$15,854.00	\$15,000	\$12,000 (pier)
2009	\$38,998.36	\$13,982.00	\$25,016.36	\$15,000	\$ 0.00 (beach)
2008	\$72,724.26	\$34,041.00	\$38,683.26	\$26,850	\$20,000 (pier)
2007	\$84,333.72	\$34,398.00	\$49,935.72	\$34,000	\$15,000 (pier)
2006	\$94,924.39	\$30,709.00	\$64,215.39	\$30,000	\$23,787 (barge)

- (1) Some of Public Works Department expenses in support of the event are paid from the Department's budget and are not reflected in the Town's contribution shown in this table

Thursday	June 30		MS/VFD	Emergency lane on beach from Palm to Pine secured w/ orange barrels & signage - Thurs 7/1 - down Tues 7/6
		AM	MS	NO Signs at portals and parking lots
		AM	PK	Coordinate parking cones for BSO placement
Friday	July 1	2:00 AM	BSO	Block El Mar Bathroom spaces for Portas & dumpster; extra dumpster goes behind BSO
			PW	Portas delivered
		AM	MS	Barricades pre-dropped in parking spaces by Village Grille (not on Anglin monument)
			PK	Chalk spots for guerilla post signs on El Mar
			PW	2nd Dumpster staged behind BSO
		11:00 PM	PK	Block of parking spaces behind Town Hall, along tennis & basketball courts
Sunday	July 3	4:00 AM	BSO	El Mar SB parking spaces blocked on both sides between the alleyways;
		4:00 AM	PK	El Mar Parking Lot blocked off w/ cones & signs
		4:00 AM	PK/BSO	Gorilla poles in turn around spaces at N & S sides PK provides map to BSO
		4:00 AM	BSO	Block resident spots at El Prado Park, N side for snocone truck, s side for BSO vehicles
		TBD	PK	Remove/re-install guerilla posts for WastePro
		6:30 AM	PK	Signs in both ends of front TH lot for event parking, cones no cut through, etc; block 1st 5 for Comm parking
		8-11	Neysa	No Waste Pro Trucks on El Mar or Bougainvilla
		8:00 AM	VFD	Fireworks arrive; VFD blocks NB median lane in front of FDG lot for firewatch - PK add Tow Away signs if requested
		8:30 AM	BSO	Block Bougainvilla access stop sign by Delacaseas
		8:30 AM	VFD	Southbound traffic closed with barricades at Bougainvilla and Washingtonia
		8:45 AM	MS	Golf Carts in parking spaces by tree
		8:30 AM	PK	Front TH Parking Attendant in place
		9:00 AM	BSO	BSO Detail Briefing in Jarvis Hall re: rolling street closures, event day detail through Fireworks
		9:30 AM	PW	Barricades block alleyway entrances and exits
		9:58 AM	VFD	National Anthem & Pledge of Allegiance
		10:00 AM	All	Parade begins
		10:20 AM		Block off all spots behind town hall; barricade entrances, add signs to barricades Staff Parking Only
				Keep barricades at Marathon after parade
		11:00 AM	PK	Hamilton sets up valet from center lane to El Prado both median lanes
		11:15 AM	PK	Open NB & SB median lanes cept for valet area open for public parking - Public Parking Signs out
		11:15 AM	PK	Hamilton Event parking signs out, inside El Mar
		11:15 AM	PW	Parade barricades moved to NE median pk spot for eve; leave barricades at Marathon for LH turn lane
		11:15 AM	PK	Open El Mar Parking Lot
		11:30 AM	All	Segway to Family Day @ El Prado Park
		11:30 AM	PK	Gorilla poles out of N turn - leave in southbound spots
		11:30 AM		Stage barricades at firing site to block off street in front of property at 8:00
		6:00 PM	DH	Church begins parking in ROW
		7:45 PM	BSO	Detail Briefing

		8:00 PM	BSO	Est shut down/turn around of incoming traffic to Anglin's Square unless need is determined earlier by BSO: SB by 101, NB by Mulligan's, EB Commercial to El Mar; incoming traffic remains shut down until at least 10PM
		??	BSO	Turn around NB traffic at Blue Seas (towards firing site) When does blocking SB at Washingtonia start?
		8:00 AM	PW	Block off firing site property from fence to median and around median
		9:00 PM	BSO	Bridge in down position 9PM until 11PM
		9:00 PM	BSO	During and after fireworks, all traffic sent west over bridge (no N/S bound traffic on A1A at Comm)
		9:20 PM	BSO	BSO manually cycling lights to control traffic all the way to Bayview until after fireworks- pickles
Monday	July 4		PW	Portas picked up (Friday 9th this year)
Tuesday	July 5		VFD	Beach Emergency lane removed
Wednesday	July 6		PW	Barricades picked up
			PW	Buoy 4th Art & neighborhood yard signs removed



Item No. _____

Agenda Memorandum

Broward Sheriff's Office

Captain Thomas Palmer
Police Chief

COMMISSION MEETING DATE: January 23, 2018

ITEM CATEGORY: Old Business

SUBJECT TITLE: Oceanfront Traffic Control (Anglin Square Traffic Congestion)

EXPLANATION: At the March 28, 2017, Commission Meeting, I had updated the commission on a traffic plan that was implemented in attempt to alleviate Anglin's Square Traffic Congestion during busy beach weekends. An issue that has been continually brought to the attention of the Broward Sheriff's Office (BSO) is the congestion in and around Anglin Square, particularly on holiday weekends and weekends during the winter season. BSO personnel are frequently called upon to direct and reroute the traffic flow during peak times, reducing the availability for patrol in other areas of Town.

Historically, BSO received complaints regarding Hamilton's Valet having several cars "stacked" in the NE alley between the Sea Foam Hotel and The Village Pump. Deputies directed valet staff to relocate the offending vehicles to their offsite parking; however, this had presented problems during peak traffic times. In short, during peak times the valet area at Aruba becomes full and, as required, Hamilton places a message board at the entrance notifying patrons that the lot is temporarily closed. Once all of the vehicles are parked off-site, the lot is reopened. During these lot closures, traffic is supposed to circle through Anglin Square and return when the lot reopens; however, cars stop and wait in hopes that the lot will reopen quickly. This causes vehicles to back up around the "horseshoe", subsequently blocking traffic flow north and south on El Mar Dr. and west on Commercial Blvd. Each time this occurs, deputies must respond to the area to attempt to direct traffic out of the square. Prior to the summer of 2016, Hamilton had occasionally "stacked" several cars in the NE alley to reduce the number of lot closures. This stacking temporarily blocks the alley parking for employees and guests at the Sea Foam Hotel and was the basis for previous complaint calls.

Over the past year and a half, with the approval of the commission and with "buy-in" from affected stakeholders, BSO has implemented the following procedures in coordination with Hamilton's Valet Service in attempt to alleviate the traffic congestion during peak holiday and seasonal weekends:

- The BSO on-duty supervisor will be notified when the "stacking" begins and ends each day
- "Stacking" would not begin until after 11:00 AM when deliveries are completed
- Cars would only be "stacked" along the inside median of the northbound lane of El Mar Dr.
- Cars would not block access to any metered parking space or the Driftwood Resort crosswalk
- The number of cars stacked will not exceed the number of valet personnel on duty
- A Hamilton's Valet employee will remain with the "stacked" vehicles at all times for security and to prevent other motorists from parking along the median
- Hamilton's Valet signage will be used during the "stacking" times so that the general public is aware that the area is for valet only
- Hamilton's Valet will use traffic cones to delineate the "stacking" area

Agenda Memorandum

Page 2



RECOMMENDATION: On January 17, 2018, I again met with the stakeholders (Paul Novak from High Noon/Sea Foam, Hamilton Souza from Hamilton's Valet Service, and Steve DeLeon from Village Grill/Pump) and reviewed this proposed plan that would be implemented during holiday weekends and busy weekends during the season. The stakeholders continue to be receptive to the plan

BSO personnel will monitor the area throughout the applicable weekend(s) and take immediate corrective action as required. It is our recommendation that the Commission consider continue this plan during the times designated above.

Exhibits: 1. Anglin's Square map

Reviewed by Town Attorney:

☐	Yes	☒	No
--------------------------	-----	-------------------------------------	----

File: T:\0 Agenda\AM BSO.docx



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Vice Mayor Edmund Malkoon

Submitting Department: Commission

Item Type: Discussion Item

Agenda Section: New Business

Subject Title: Appoint a 75th Anniversary Committee Commission liaison and direct staff to explore the creation of an advisory committee for the 75th Anniversary events

Explanation: The year 2024 marks the Town's 75th official anniversary and I believe the Town should begin planning the yearlong activities that will be celebrated to mark this momentous occasion. I propose the creation of an advisory committee to assist the Town in planning these events.

I suggest the Commission appoint a Commission liaison to work with staff to explore community interest in creating an advisory committee to plan the 75th Anniversary events and to work with staff to put together the details of the proposed committee.

The proposed committee would be an advisory committee and subject to the Sunshine Law in Florida Statutes. In accordance with Section 7.3 of the Town Charter (**Exhibit 1**), a resolution creating the proposed advisory committee will be brought back to the Commission for approval. Once the committee is created, staff will advertise for committee members and bring to the Commission a resolution that appoints members to the committee.

Historical Context:

The Town's anniversary is often recognized as Nov. 30, 1947, which is the year 104 Town residents (98 to 6) voted in favor of asking the state to re-incorporate the Town. However, the official charter was not granted by the state Legislature until 1949.

In 1974, the Town published a Silver (25th) Anniversary booklet. The front of the booklet reads "**Lauderdale By The Sea '49 – '74.**" Based on our 1949 Charter, the Town's 75th anniversary is the year 2024.

Important to Note

The Town's origins date back to the 1920s, when Melvin Anglin arrived and bought property.

The first Town incorporation was 1927, according to a history of the Town written by Mayor Colnot in 1966. That apparently lasted only two years, and according to Colnot, local government control reverted to the county in 1929.

In a way, to say the Town did not begin until 1947 or even 1949 is to ignore about 20 years of Town history. This is important to highlight during the 75th celebration.

Recommendation: Appoint a 75th Anniversary Committee Commission liaison and direct staff to bring back a resolution to appoint an advisory committee.

Exhibits:

Ex. 1 Section 7.3 of the Town Charter

Sec. 7.3. Advisory boards; how constituted.

The Town Commission may at any time by resolution appoint advisory boards, composed of residents of the Town of Lauderdale-By-The-Sea, qualified to act in an advisory capacity to the Town Commission, the Town Manager, or to any department of the Town. The members of such boards shall serve without compensation at the pleasure of the Commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the Town.



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Ken Rubach

Submitting Department: Public Works

Item Type: Discussion Item

Agenda Section: NEW BUSINESS

Subject Title: Pump Replacement - Sea Grape Lift Station (Ken Rubach, Deputy Town Manager/Public Works Director)

Explanation: The City of Pompano Beach ("Pompano Beach") is responsible for maintaining the Town's lift stations. Pompano utilizes pumps from Ebara Pumps Americas Corporation ("Ebara"). In March 2021, Pompano Beach notified staff that one of the Sea Grape Lift Station's pumps had failed and suggested that it be repaired. These types of pumps last approximately 8 to 10 years prior to needing a rebuild/repair and this pump is 12 years old. A repaired pump can last quite some time provided there are no unexpected failures, internal shorts, power overloads, or lightning strikes. This pump was overhauled and is currently operational.

In March of this year, Pompano Beach staff experienced an issue with one of the other pumps in the station, which unfortunately cannot be repaired and must be replaced. There are typically three pumps on hand at the station (two that are in use during normal operations and one spare), thus currently leaving us without a backup on hand should one of those pumps fail.

In order to ensure compatibility with the rest of the pumps used by Pompano at the station, the replacement pump must be an Ebara pump. This is a sole source item as noted in the letter from Ebara Pumps Americas Corporation (**Exhibit 2**). Procurement via sole source is authorized under in the Town Purchasing Manual, Section IV. Exceptions to General Purchasing Policies, Paragraph A "Sole Source Procurement."

The cost of the replacement pump is \$32,486.16. Staff is recommending that the Town contract with Tom Evans Environmental of Lakeland, Florida (**Exhibit 1**), who is the sole source provider of Ebara pumps, to purchase the new pump. The pump is currently in stock, and staff advises moving forward with the purchase prior to hurricane season.

While not a "budgeted" item, staff maintains an emergency repairs fund within the Sewer Fund for instances such as these. The funds are available in account 103.535.000-500.630 - Capital Outlay - Improvements other than building.

Recommendation: Authorize the Town Manager to issue a Purchase Order to Tom Evans Environmental of Lakeland, Florida a sole source provider, in the amount of \$32,486.16.

Attachments:

Ex.1 Pump Replacement Quote

Ex.2 Sole Source Letter

Reviewed by Town Attorney:

☒	Yes	☐	No
-------------------------------------	-----	--------------------------	----

QUOTE

3200 Flightline Drive, Suite 302
Lakeland, Florida 33811
(863) 619-3789 (P) (863) 619-8098 (F)
justin@tomevans.com

QUOTE NO. 22-0421bJE
DATE April 21, 2022
EXPIRATION DATE June 20, 2022

TO Bobby Clayton
City of Pompano Beach
City of Pompano Beach Utilities
1201 NE 3rd Ave
Pompano Beach, FL 33069
954-592-0263

PROJECT NAME Replacement Pump
LOCATION LS24

SALES PERSON	SHIPPING METHOD	SHIPPING TERMS	ESTIMATED LEAD TIME	PAYMENT TERMS
Justin Edwards	Included	FOB, Factory	In Stock	Net 30 Days

QTY	PRODUCT #	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	ADLF-4815-4	Ebara 250DLFU6454 4P 60HP Sewage Submersible Pump c/w power and control cable, Oversize lifting bale and Guide rail adaptor	\$ 32,486.16	\$ 32,486.16

Quotation prepared by: *Justin Edwards*

TOTAL \$ **32,486.16**
(less applicable sales tax)

This is a quotation on the goods named, subject to the conditions noted below:

1. We do not include sales tax, pressure gauges, anchor bolts, wire, cable, conduit, tools, toolboxes, lubricants, installation, hook-up, field testing, shaft alignment, vibration testing, control panels or any other accessories or ancillary items which are not specifically called out in this scope of supply.
2. Under no circumstances will Tom Evans Environmental, Inc. or its suppliers be liable for any incidental, consequential, liquidated, special or late delivery damages whatsoever.
3. Payment terms are 100% net 10 days from delivery with any unpaid balance 30 days past due being subject to interest at 1-1/2% per month being added to the unpaid balance, with approved credit. Our price is based upon no retainage.
4. Pricing is based upon Tom Evans Environmental's and the manufacturer's Standard Terms and Conditions of Sale. Copies of these documents are available for your review and reference. No other terms or conditions of sale will apply unless accepted in writing by an officer of the Company.
5. Please understand that the shipping date is a estimate only, based upon market conditions existing at the time of this offering and are subject to revision.

To accept this quotation, sign here and return: _____ Date: _____

THANK YOU FOR YOUR BUSINESS!

Tom Evans Environmental, Inc. is Equal Employment Opportunity / Affirmative Action compliant through good faith efforts in employment and business practices.



EBARA Pumps Americas Corporation

Corporate Headquarters
1651 Cedar Line Drive, Rock Hill, South Carolina 29730 USA
Tel: (803) 327-5005 Fax: (803) 327-5097 www.pumpsebara.com

October 1, 2020

Mr. Bobby Clayton
Wastewater Pumping Manager
City of Pompano Beach-Public Works Department
1201 Northeast 3rd Avenue
Pompano Beach, FL 33060

RE: Ebara Pump Distributor & Pricing -Single Source Letter

Dear Mr. Clayton,

This letter is written to advise you in the change in representation of Ebara Pumps Americas Corporation for the City of Pompano Beach. We have recently terminated the business relationship with F.J. Nugent & Associates, Inc. and would like to confirm that the new authorized municipal distributor for Ebara Pumps Americas Corporation in Broward County and most of Florida is Tom Evans Environmental.

Tom Evans Environmental is the only authorized municipal representatives for all Ebara Pumps Americas Corporation products, parts and service in your region. Please contact their office for information on price, availability, technical assistance and servicing of Ebara products. You may contact them by phone, fax, email or US mail at the address provided below:

Tom Evans Environmental, Inc.
3200 Flightline Drive, Suite 302
Lakeland, Florida 33811
(863) 619-3789
www.tomevans.com
Mr. Tom Evans
te@tomevans.com

Please do not hesitate to call my office if you have any questions or need further assistance.

Sincerely,

Michael J. Kahren
Southeast Regional Sales Manager
EBARA Pumps Americas Corporation
Standard Pump Division
1651 Cedar Line Dr
Rock Hill, SC 29730
Main: (803) 327-5005
Direct: (803) 325-9678
mkahren@pumpsebara.com

cc: File



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted by: Jhanelle Campbell, Director of Development Services

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: Ordinance – 1st Reading

Subject Title: Ordinance 2022-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11, “DEFINITIONS” AND ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING”. **(Exhibit 1)**

Explanation: At its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare them to similar codes in other jurisdictions. The proposed changes, which are included in **Table 1** below, update definitions and modify the regulations and requirements.

Table 1

	Issue	Ordinance Requirement	Ordinance Line Number
1.	Clarify definitions for boat lift, dock, dolphin pile, finger pier, and piling.	Current land development regulations do not clearly define these terms.	51-75
2.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	90
3.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	99
4.	The Town has canals from 80-100' in width and these regulations are never applicable.	Delete regulations for marine structures built in waterways 50 feet and under in width.	107-110
5.	Maintain regulations for existing marine structures in waterways 100 feet and under in width.	Replace	111
6.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	112
7.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other	115

		terms or are not specifically regulated by the Code.	
8.	Prohibit finger piers except in marina mooring areas.	Remove regulations specifying the dimensional requirements for finger piers.	118-121
9.	Allow existing finger piers to remain.	Add language to establish legal, non-conforming status for finger piers constructed with a valid building permit prior to the effective date of the ordinance.	122-126
10.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	127-129
11.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	136-137, 140, 142
12.	Establish a new section of regulations for waterways over 100' in width.	Add language to limit dock distance into waterway to 15' maximum, prohibit finger piers, and establish regulations for boat lifts and finger piers.	143-161
13.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	163-164, 169
14.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	195
15.	P&Z Board discussion to include 25' setback on commercial properties next to residential properties.	Add language to regulate commercial properties along waterways greater than 100 feet in width and abutting residential properties to have a 10' setback for marine structures.	163-168

This item was presented to the Planning and Zoning Board at its April 27, 2022, meeting and further detail regarding these issues and the Board's comments are available in the Planning and Zoning Board's staff report (**Exhibit 2**). During discussion of the Ordinance, the Planning and Zoning Board heard concerns from the public, including the need to increase setbacks between commercial and residential properties for marine structures. The Board recommend approval of the ordinance with the recommendation to include a 25-foot setback for marine structures on commercial properties which abut residential properties by a vote of 5-0.

Based on the discussion at the Planning and Zoning Board meeting, staff conducted further research into similar codes in other jurisdictions for setback requirements between commercial and residential properties for marine structures (**Exhibit 3**). The least intensive commercial zoning district in each city was determined by comparing allowed and conditional uses to those in the Town's B-1, Business district. In each reviewed code, side setbacks for docks were handled in one of three ways: 1) they must adhere to the zoning district's side setbacks, 2) they must adhere to side setbacks for accessory structures, or 3) they must adhere to side setbacks specific to dock structures. Of those cities surveyed, side setbacks for accessory docks on commercial property ranged from 0 feet to as much as 15 feet. Staff also examined the properties that the Board's recommended change to the side setback would impact (Blue Moon and Benihana properties on the Intracoastal Waterway as well as two properties in the marina basin), to understand how change would affect them. Based on this analysis of the

impact of the change within our Town, as well as our review of restrictions in similar jurisdictions, staff recommends that commercial properties on the situated along the Intracoastal Waterway and abutting one or more residential properties should have a 10-foot side setback for marine structures on the side adjacent to residential use.

Recommendation: Staff recommends approval of Ordinance 2022-02 with one change from the version presented to the Planning and Zoning: requiring a 10-foot side setback for marine structures on those commercial properties located on the Intracoastal Waterway that abut residential properties.

Attachments:

- Ex. 1 Ordinance 2022-02
- Ex. 2 Planning and Zoning Board Staff Report
- Ex. 3 Comparative Table of Commercial Dock Regulations

Reviewed by Town Attorney:

☒	Yes	☐	No
--	-----	--------------------------	----

EXHIBIT 1

ORDINANCE 2022-02

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11, “DEFINITIONS” AND ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, at its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare it to similar codes in other jurisdictions; and

WHEREAS, this review revealed both similarities and differences on how marine structures, including docks, are regulated in the Town and other jurisdictions; and

WHEREAS, Staff has concluded that the Town’s standards for docks in the Intracoastal Waterway are much stricter than would be allowed by other municipalities; and

WHEREAS, accordingly, the Town Commission desires to amend Town Code Section 30-311 to better define the types of marine structures allowed within the Code; and

WHEREAS, the Town Commission desires to amend the Town Code to regulate structures on the Intracoastal Waterway differently than smaller canals within the Town; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on April 27, 2022 and recommended the amendments be approved with one amendment: to increase the side setback for

EXHIBIT 1

marine structures on commercial properties abutting residential properties from the existing five feet to twenty-five feet; and

WHEREAS, the Town staff evaluated the Board’s recommendation, and recommends that the Town Commission increase the existing five-foot side setback to ten feet for those commercial properties on the Intracoastal Waterway when they abut residential properties; and

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

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

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

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article I, “In General,” Section 30-11, “Definitions” of the Town Code of Ordinances, is hereby amended as follows¹:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE I. IN GENERAL

* * *

Sec. 30-11. – Definitions.

* * *

(c) *Abbreviations and definitions.*

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 1

(2) *Terms defined.*

"Boat lift" shall mean any device fixed to the ground, a seawall, post, piling or a dock, designed to lift watercraft clear of the water.

"Dock" shall mean any structure and appurtenances thereto extending into or above any body of water including, but not limited to, lakes, canals or waterways, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. "Dock" shall also be used to mean "wharf" or "boat slip". The word "dock" as used herein shall include any structure extending out from the seawall that is generally parallel to a seawall or property line which it abuts.

"Dolphin Pile" shall mean a single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or guide for watercraft, but not used as a channel marker or as a dock piling.

"Finger pier" shall mean a docking and mooring facility which extends into any body of water in a direction generally perpendicular to a seawall or property line. This term shall include "T" and "L"-shaped docks.

"Piling" shall mean the vertical support member of a dock.

SECTION 3. Amendment. Chapter 30, "Unified Land Development Regulations," Article V, "Zoning," Section 30-311, "Boats, boat lifts, boathouses, mooring and docking" of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

² Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 1

88 * * *

89 DIVISION 2. DISTRICTS

90 * * *

91 Subdivision Q. Supplemental Regulations.

92 **Sec. 30-311. – Boats, boat lifts, boathouses, mooring, and docking.**

93 (a) *Intent.*

94 (1) The intent of this section is to permit construction in and upon the waterways of docks,
95 ~~boatslips, wharves, finger piers, boat lifts, dolphin piles, fender or mooring piles~~ and
96 other related structures which do not interfere with navigation, endanger life or
97 property, or delay the public reasonable viable access to public waterways.

98 (2) Structures not similar in nature to those listed herein are prohibited.

99 (3) The requirements contained in this section shall apply and control the development on
100 the waterways Town-wide.

101 (4) Marinas shall comply with this section.

102 (b) *Permit required.*

103 (1) It shall be unlawful for any person to construct or erect docks, ~~wharves, piers, or~~
104 ~~dolphin piles, mooring or fender piles~~ or any type of boat lifting or mooring device or
105 any other structure on or in waterways without first obtaining:

106 a. Any required Broward County permits and/or approvals, and subsequently, a
107 building permit from the Town; and

108 b. The necessary approvals and/or permits from the United States Army Corps of
109 Engineers, or other governmental agencies as applicable to certain navigable
110 waterways.

111 (c) *Structures in waterways.*

112 ~~(1) In a waterway 50 feet in width or less, boat slips, wharves, finger piers, docks, boat~~
113 ~~lifts, or dolphin, fender or mooring piles, or any other structures shall not be~~
114 ~~constructed or erected into any waterway more than five feet beyond the recorded~~
115 ~~property line.~~

116 ~~(2)~~ (21) In a waterway ~~which~~ that is ~~more than 50~~ 100 feet ~~or less~~ in width, boat slips, wharves,
117 finger piers, docks, boat lifts, or dolphin, ~~fender, or mooring~~ piles may be constructed or

EXHIBIT 1

erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

a. ~~Boat docks or wharves~~ may be constructed or erected to extend into any waterway a distance of ten percent of the width of the waterway or distance of eight feet, whichever is less, as measured from the recorded property line.

b. *Finger piers.*

1. Finger Piers may be constructed or erected to extend into any waterway marina mooring areas established under Section 30-311(e) subject to the requirements below:

Finger Pier	Waterway	Marina Mooring Area (established pursuant to 30-311(e))
Length	Ten percent of the width of the water or a distance of 20 feet, whichever is less, measured from the recorded property line.	Sixteen percent of the width of the waterway or a distance of 25 feet, whichever is less, as measured from the recorded property line.
Width	No greater than necessary to meet ADA access requirements.	No greater than necessary to meet ADA access requirements.
Separation	Not less than 25 feet	Not less than 20 feet

2. Any finger pier(s) in existence constructed pursuant to a valid building permit issued prior to the effective date of this Section shall be deemed legal, nonconforming structures subject to the provisions of Article IV, Division 8, Section 30-137, Nonconforming Uses and Structures, as set forth in this Chapter of the Town Code.

c. *Boat lifts. ~~lifting devices.~~*

1. ~~Boat davits, elevator lifts, cradle lifts, floating lifts, or any other similar form of boat lifting device~~ Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. *Dolphin, ~~mooring or fender~~ piles.*

EXHIBIT 1

1. Dolphin, ~~mooring or fender~~ piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin, ~~mooring or fender~~ piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. The minimum spacing between dolphin, ~~fender or mooring~~ piles shall be ten feet.

(2) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.

b. Finger piers are specifically prohibited.

c. Boat lifts.

1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin piles.

1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. Dolphin piles shall be a minimum of ten feet apart.

(3) Setbacks.

1. No boat docks, wharves, finger piers, boat lifts lifting or mooring devices, dolphin piles or other similar structures may be erected in the waterway, within five feet of an extended side property line.

2. For only those commercial properties on the Intracoastal Waterway and abutting a residential property, no docks, finger piers, boat lifts, or dolphin piles may be erected

EXHIBIT 1

in the waterway within 10 feet of an extended side property line that is adjacent to a residential use.

(4) ~~Boat docks, wharves, or and~~ finger piers shall not be constructed or erected where the elevation of the deck exceeds the elevation of the top of the abutting seawall.

(5) *Common docking area.* In addition to the provisions contained in sub-sections (1) through (4), if two or more lots share a common docking area, the following conditions must be met prior to any permit being issued pursuant to this section:

a. The affected property owners shall enter into an agreement with the Town which shall state the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft.

b. The agreement shall be approved by the Town and thereafter recorded by the property owners along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners.

(6) Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners, the provisions of subsections (1) through (5) shall not apply, to the extent they are superseded by the Court's ruling, if proof of such adjudication is submitted with the building permit application.

(7) Any structure erected in any waterway shall be kept in good repair by the owner thereof and shall be subject to removal by the Town in the event that they are unsafe or create a hazard to navigation as determined by the Town, the cost thereof to be assessed against the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the Town.

(8) Boathouses and boat canals dug or excavated into any of the platted waterfront lots are prohibited.

(d) *Docking and mooring of watercraft.*

(1) No watercraft shall be docked or moored:

a. Except at an approved dock, ~~wharf, boat slip,~~ finger pier, tender or mooring dolphin pile within a standard mooring area or a marina mooring area designated pursuant to a conditional use approval;

b. Such that it extends beyond the standard mooring area or if applicable, the marina mooring area; or

c. Such that it extends within five feet of an extended side property line.

EXHIBIT 1

(2) The DSD shall have the right and authority to regulate the size or number of watercraft moored at a specific property when necessary to protect public safety.

(e) *Designation of a marina mooring area.* A marina, or any applicant for a marina, located in the B-1 zoning district may request approval of a designated marina mooring area as part of a conditional use application or conditional use amendment for the marina. Such designation shall be subject to all the requirements of section 30-271.

* * *

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

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

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

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

Passed on the first reading, this ____ day of _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

First Reading

Second Reading

EXHIBIT 1

237	Mayor Vincent	_____	_____
238	Vice-Mayor Malkoon	_____	_____
239	Commissioner Pouloupoulos	_____	_____
240	Commissioner Strauss	_____	_____
241	Commissioner Oldaker	_____	_____

242

243 ATTEST:

244

245

246 _____

247 Acting Town Clerk

248

249 APPROVED AS TO FORM:

250

251

252 _____

253 Susan L. Trevarthen, Town Attorney



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

To: Planning and Zoning Board
From: Jhanelle Campbell, Development Services Director
Date: April 22, 2022
Meeting Date: April 27, 2022
Project: Ordinance Amending the Town Code requirements for Marine Structures

Purpose: To amend the Town's marine structure regulations to be consistent with surrounding communities.

Explanation: At its March 22, 2022, meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare them to similar codes in other jurisdictions. This review revealed both similarities and differences on how marine structures are regulated in the Town and other jurisdictions.

A. Docks

The Town currently regulates the placement of docks based on how close they may be placed to other properties and how far into a waterway they may be constructed, which is dependent on the width of the waterway.

1. Width of Docks

The Town is bounded at its western edge by the Intracoastal Waterway (ICWW), which is generally 300 feet in width. The Town also has a system of smaller waterways varying in width from 80 to 100 feet in width. (Please see **Exhibit 1**). Under the Town Code, a dock may be built a maximum of five (5) feet beyond the recorded property line for waterways 50 feet or less in width. For those waterways over 50 feet in width, docks may be built ten percent (10%) of the width of the waterway or eight (8) feet, whichever is less, also measured from the property line. Please see **Diagram 1**.

In other words, the Code has an alternative standard (5 foot maximum) that never actually applies, because the waterways in Town are all wider than 50 feet. The other standard (10% or 8 feet) applies uniformly to all the Town's waterways, despite the major difference in width between the ICWW and the other waterways.

Staff has reviewed codes from other jurisdictions (Please see **Exhibit 2**). Most are like the Town's regulations, with the width of a dock being determined by either a percentage of the waterway width or a maximum set distance, whichever is less. Most other reviewed municipalities set the maximum distance based on the width of the waterway. In most instances, dock width is measured from the property line. In a few instances, dock width can be measured from seawall or seawall cap. In four

municipalities, if construction is proposed on the ICWW, the dock width is left to the regulation of the United States Army Corps of Engineers (USACOE).

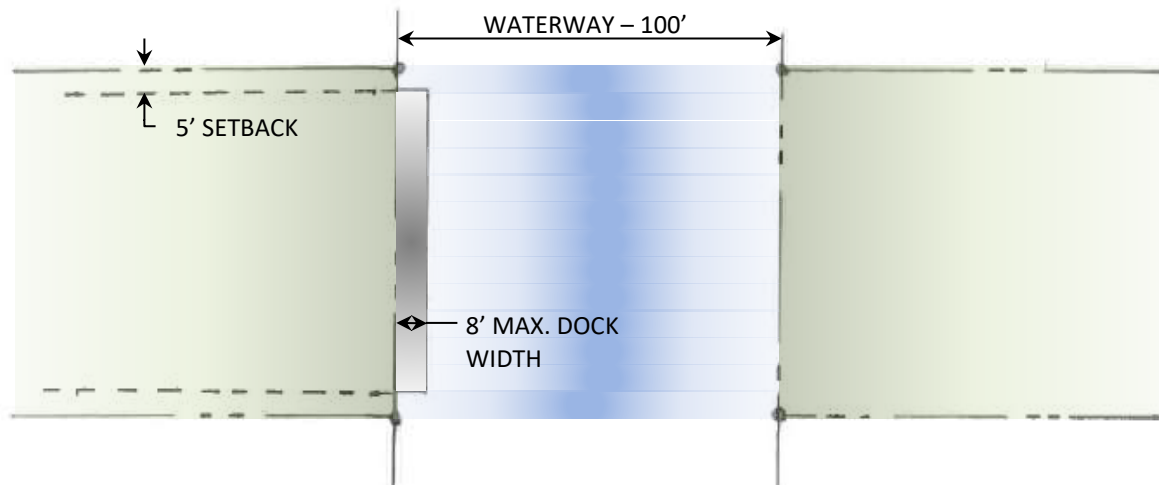


Diagram 1: Existing Dock Regulations

2. Setback of Dock from Other Properties

In addition, the Town Code provides a five (5) foot side setback for docks from adjacent property lines, regardless of zoning district. For example, if a property had 100 feet of waterway frontage, the maximum length a dock could occupy would be 90 feet, leaving five feet on either end.

Other jurisdictions have similar setback requirements, either a uniform minimum side setback or minimum setbacks that vary by zoning districts. Minimum setbacks range on average from five (5) to ten (10) feet.

B. Finger Piers

Finger piers currently exist on both small canals (80-100 feet in width) and along the ICWW. The Town Code currently regulates finger piers three ways. First, the maximum length of such a pier is ten percent (10%) of the width of the waterway or a distance of twenty (20) feet, whichever is less, measured from the property line. Second, finger piers may be no wider than what is necessary to meet the Americans with Disabilities Act (ADA) access requirements. Third, such structures must be placed a minimum of twenty (25) feet apart and set back five (5) feet from side property lines. Please see **Diagram 2**.

Three comparable municipalities have regulations for finger piers (Please see **Table 1, Exhibit 3**). In these municipalities, separation between finger piers is determined by the side setback regulations applicable to the property, unlike the Town's uniform separation of twenty (25) feet.

These cities regulated the length of finger piers much like docks, by the lesser of a maximum length or a percentage of the waterway width.

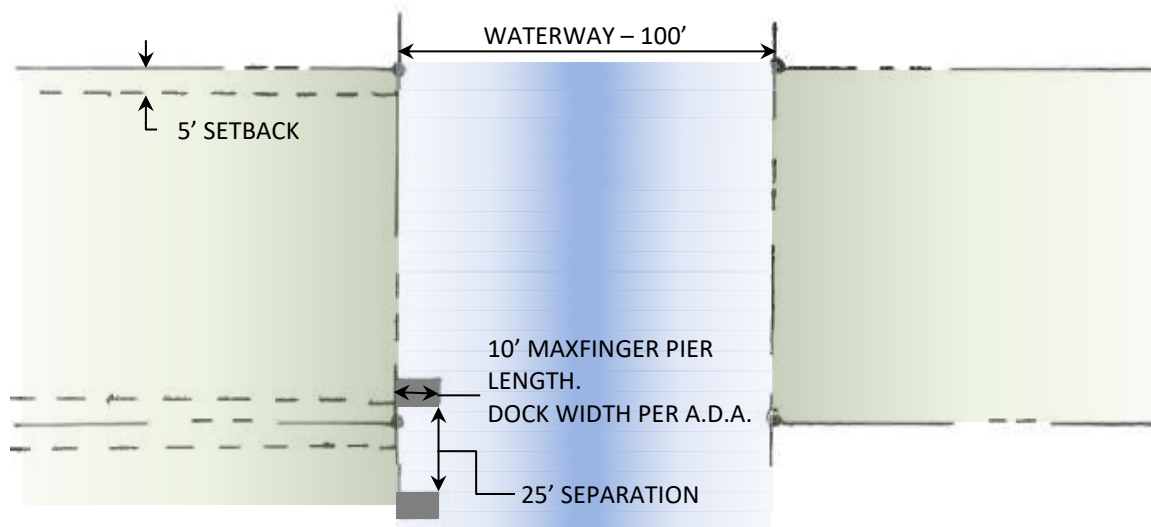


Diagram 2: Existing Finger Pier Regulations

C. Boat Lifts

The Town currently regulates boat lifts in a manner similar to docks and finger piers. The maximum length of these structures is the lesser of twenty percent (20%) of the waterway width or twenty (20) feet, measured from the property line.

These structures must also meet the minimum five (5) foot side setback from property lines. Please see **Diagram 3**.

Other municipalities regulate boat lifts in a similar manner as the Town (Please see **Table 2, Exhibit 3**). Side setbacks range from five (5) to ten (10) feet in width. The length that the boat lifts can extend into waterways is determined by either a percentage of the waterway width or a maximum distance, depending on the width of the waterway.

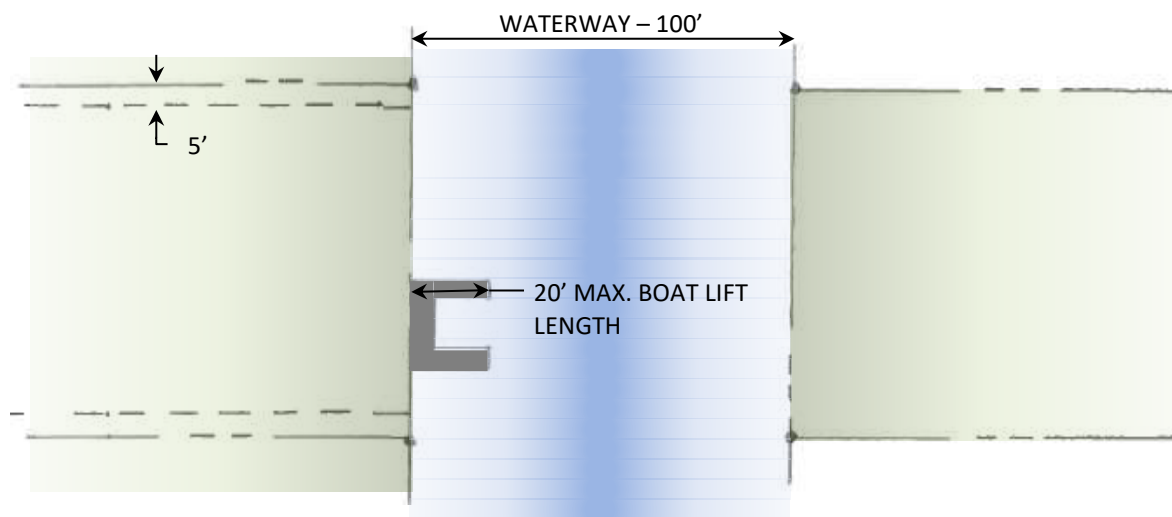


Diagram 3: Existing Boat Lift Regulations

D. Dolphin, Mooring, or Fender Pile Regulations

The Town Code does not set a maximum length or width. It allows placement of dolphin, mooring, or fender piles no further than the navigational channel boundary line as measured by the property line. The Town Code defines the navigational channel of a waterway as the center 40% of the waterway width.

The ICWW is 300 feet wide. The USACOE's "General Permit" SAJ-20 for Private Residential Docks/Pier Facilities and Minor Structures in Florida" requires 50% of the waterbody for open-water, public use. It also restricts structures to extending no more than 25% of the canal/channel width.

Like finger piers, these structures have a separation requirement; it is ten (10) feet rather than 25 feet.

They must also adhere to the minimum five (5) foot side setback. Please see **Diagram 4**.

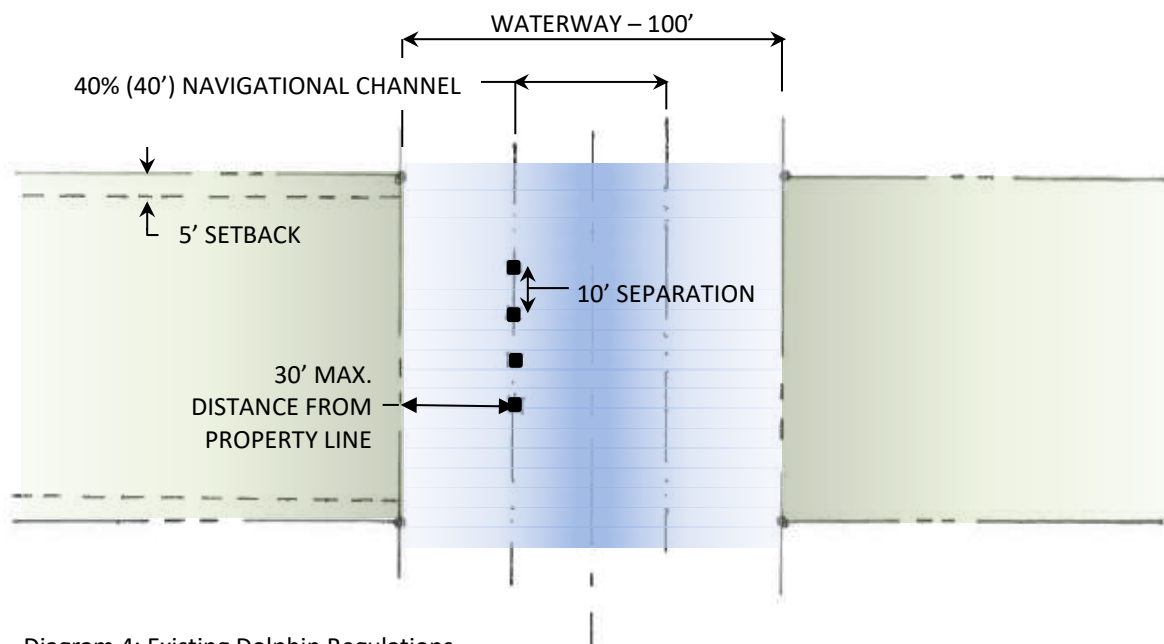


Diagram 4: Existing Dolphin Regulations

Other municipalities regulate the length of these structures more like docks or finger piers, using either a percentage of the width of the waterway or a maximum distance (Please see **Table 3, Exhibit 3**).

Some municipalities require setbacks from side property lines, either a uniform minimum or one established by zoning district.

Recommendation: Staff is recommending several updates to the Code regulating marine structures as shown in **Exhibit 4** and **Diagram 5**:

1. The Town Code currently lacks critical definitions for several terms within Section 30-311 (Boats, boat lifts, boathouses, mooring, and docking). Staff has proposed additions to Section 30-11 "Definitions" of the Unified Land Development Regulations.
2. Staff has proposed to remove terms within the Code that either duplicate the meaning of other terms or are not regulated specifically by the Code.

3. The Code currently distinguishes between waterways under 50 feet and over 50 feet in width. However, the Town has no waterways smaller than 80 feet or greater than 100 feet in width, except for the Intracoastal Waterway. Staff has suggested removing the standard that has no applicability (waterways less than 50 feet wide) and keeping the regulations for waterways 100 feet and under the same. It would also ban the construction of finger piers in waterways 100 feet or less in width, except for designated marine mooring areas.
4. Staff has proposed a new section regulating waterways over 100 feet in width – namely, the ICWW. In this section, docks would be allowed to be constructed no more than 15 feet into the waterway as measured from the property line. It also would ban the construction of finger piers in waterways over 100 feet.
5. Staff has proposed that the Town continue to measure the distance marine structures may project into waterways from the property line, as opposed to from the seawall. Most comparative municipalities measure these distances in the same manner, and seawalls may shift over time, making the measurement less stable.

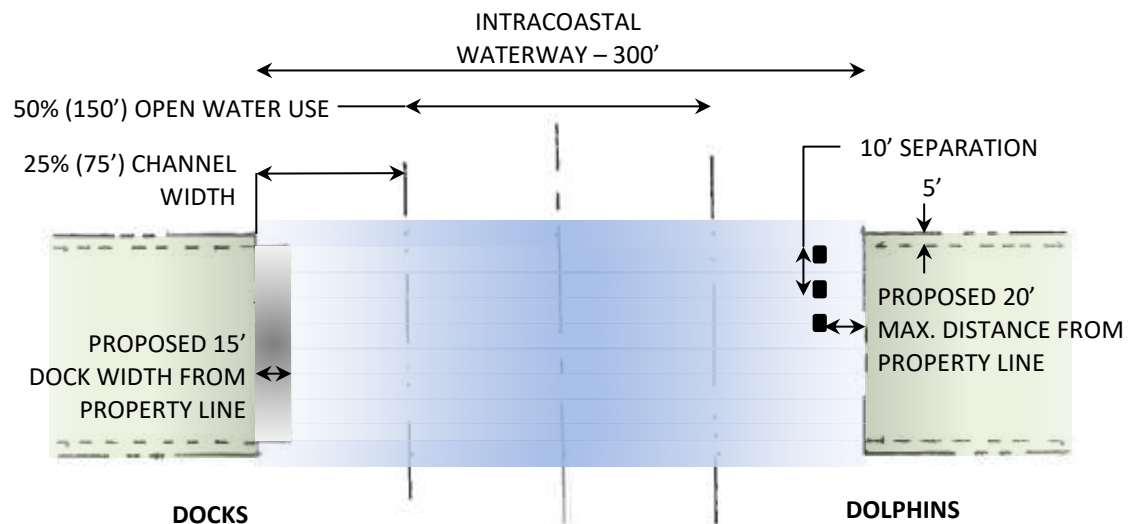


Diagram 5: Proposed Regulations

Staff recommends that the Planning and Zoning Board recommend that the Town Commission approve Ordinance 2022-02.

Attachments:

- Ex. 1 – Canal Inventory
- Ex. 2 – Comparative Table of Dock Regulations
- Ex. 3 – Comparative Table of Finger Pier Regulations
- Ex. 3 – Comparative Table of Boat Lift Regulations
- Ex. 3 – Comparative Table of Dolphin, Mooring, or Fender Pile Regulations
- Ex. 4 – Ordinance 2022-02

EXHIBIT 1

Lauderdale by the Sea Canal Inventory		
Canal	Location	Width (Feet)
Canal 1	South and east of Terra Mar Neighborhood	100
Canal 2	South of Palm Club Drive Neighborhood	80
Canal 3	South of Ocean Mist Drive / North of Water's Edge	80
Canal 4	South of Water's Edge / North of Coral Reef Drive	80
Canal 5 (Silver Shores Waterway)	South of South Tradewinds Avenue / North of Tropic Drive	100
Canal 6 (Sea Spray Bay)	South of Imperial Drive / North of Codrington Drive	95
Intracoastal Waterway	Western edge of Town Limit	300

Methodology:

Staff reviewed original plats to determine the names and widths of waterways within the Town limits. These were checked against measurements performed in the Broward County Property Appraiser's GIS system. Canals are numbered starting from the northern most waterway located within the Town limits. Names in parentheses after canal numbers were found on original platting and may or may not be relevant today.

EXHIBIT 2

Comparative Table of Dock Regulations		
City	Structure Size	Side Setback from Property Line
Boca Raton		
Waterway < 100'	6' from property line or seawall/bulkhead, whichever is nearest water.	10'
Waterway ≥ 100'	8' from property line.	10'
Dania Beach		
Waterway < 50'	5' maximum from property line.	5'
Waterway ≥ 50'	10% of waterway or 20', whichever is less, from property line.	5'
Deerfield Beach	10% of the waterway. If on Intracoastal, maximum of 20' or as permitted by the USACOE.	5' or distance of side setback, whichever is greater, if ≤ 100' of water frontage. 5' minimum if > 100' of water frontage.
Fort Lauderdale	≤ 25% of waterway or 25', whichever is less, from property line.	Varies by zoning district
Golden Beach		
Waterway < 100'	6' from property line.	10' minimum.
Waterway > 100'	10' from property line.	10' minimum.
Hallandale Beach	If lot is < 40' in width, ≤ 5' from seawall. No dock greater than 25% of waterway.	If lot width is < 40', 2' setback. If lot width is ≥ 40', 10' setback.
Highland Beach	5' from property line. If waterway regulated by USACOE, then distance determined by USACOE.	
Hillsboro	If projecting into Intracoastal, distance determined by the USACOE.	10' setback in RS2. 15' setback in multifamily.
Hollywood	5' maximum. If projecting into Intracoastal, distance determined by the USACOE.	
Lighthouse Point		
Waterway < 100'	Maximum 6' from landward side of seawall cap or property line, whichever is closest to water.	Varies by zoning district.
Waterway > 100'	Maximum 8' from landward side of seawall cap or property line, whichever is closest to water.	Varies by zoning district
Oakland Park		
Waterway < 50'	No dock allowed.	
Waterway > 50'	10% of waterway or 15', whichever is less.	Residential districts – 7.5' All others – 15'
Pompano Beach		
Waterway < 50'	5' from property line.	5'
Waterway > 50'	10% of waterway or 8', whichever is less.	5'

USACOE = United States Army Corps of Engineers

EXHIBIT 3

Comparative Table of Finger Pier Regulations		
City	Structure Size	Side Setback from Property Line
Baca Raton	6' maximum, exclusive of vertical support piling; cannot extend more than 15% of waterway or greater than 60'	Minimum of 10' or equal to the length of the finger pier
Deerfield Beach	Determined by Engineering Department	
Pompano Beach		
Waterway <50'	Within 5' of extended property line	5'
Waterway >50'	20% of waterway or 20', whichever is less. Maximum width of 4'	5'

Comparative Table of Boat Lift Regulations		
City	Structure Size	Side Setback from Property Line
Boca Ration	Maximum 20' or 25% of waterway, whichever is less.	10'
Dania Beach	Maximum of 25% of waterway or 15'	
Deerfield Beach		
Waterway <100'	15' from property line/seawall whichever is closest to the water in raised position	10'
Waterway >100'	25' from property line/seawall whichever is closest to the water in raised position	10'
Golden Beach	Maximum of 25' into waterway.	10'
Pompano Beach		
Waterway <50'	Within 5' of extended property line	5'
Waterway >50'	Maximum of 20' or 20% of waterway	5'

Comparative Table of Dolpin, Mooring or Fender Pile Regulations		
City	Structure Size	Side Setback from Property Line
Boca Ration	Maximum distance of 33% of waterway width from seawall/shore.	
Deerfield Beach	No portion of vessels can be located further than 30' from lot or seawall	Varies by zoning district.
Fort Lauderdale	30% of waterway width or 25', whichever is less from the property line	
Hallandale Beach	Maximum of 20' from seawall	
Pompano Beach		
Waterway >50' and <150'	None	5'
Waterway >150'	Maximum 40' from property line	5'
Lighthouse Point	Maximum length of 30'	
<i>For Dolphin Piles</i>		
Waterway <100'	Located 20' from centerline of waterway	8'
Waterway >100'	Located 25' from centerline of waterway	8'
Oakland Park	Maximum of 25% of waterway AND 50% of waterway must be open	

EXHIBIT 4

ORDINANCE 2022-02

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11, “DEFINITIONS” AND ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, at its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare it to similar codes in other jurisdictions; and

WHEREAS, this review revealed both similarities and differences on how marine structures, including docks, are regulated in the Town and other jurisdictions; and

WHEREAS, Staff has concluded that the Town’s standards for docks in the Intracoastal Waterway are much stricter than would be allowed by other municipalities; and

WHEREAS, accordingly, the Town Commission desires to amend Town Code Section 30-311 to better define the types of marine structures allowed within the Code; and

WHEREAS, the Town Commission desires to amend the Town Code to regulate structures on the Intracoastal Waterway differently than smaller canals within the Town; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on April 27, 2022 and recommended the amendments be approved; and

EXHIBIT 4

29 **WHEREAS**, the Town Commission conducted first and second reading of this Ordinance at
30 duly noticed public hearings, as required by law, and after having received input from and
31 participation by interested members of the public and staff, the Town Commission has determined
32 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
33 Town, its residents, and its visitors.

34 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN**
35 **OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**
36

37 **SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated as
38 the legislative intent of this Ordinance.

39 **SECTION 2. Amendment.** Chapter 30, “Unified Land Development Regulations,” Article
40 I, “In General,” Section 30-11, “Definitions” of the Town Code of Ordinances, is hereby amended as
41 follows¹:

42 **Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS**

43 **ARTICLE I. IN GENERAL**

44 * * *

45 **Sec. 30-11. – Definitions.**

46 * * *

47 *(c) Abbreviations and definitions.*

48 * * *

49 *(2) Terms defined.*

50 * * *

51 "Boat lift" shall mean any device fixed to the ground, a seawall, post, piling or a dock,
52 designed to lift watercraft clear of the water.

53
54 * * *

55

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 4

"Dock" shall mean any structure and appurtenances thereto extending into or above any body of water including, but not limited to, lakes, canals or waterways, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. "Dock" shall also be used to mean "wharf" or "boat slip". The word "dock" as used herein shall include any structure extending out from the seawall that is generally parallel to a seawall or property line which it abuts.

"Dolphin Pile" shall mean a single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or guide for watercraft, but not used as a channel marker or as a dock piling.

* * *

"Finger pier" shall mean a docking and mooring facility which extends into any body of water in a direction generally perpendicular to a seawall or property line. This term shall include "T" and "L"-shaped docks.

* * *

"Piling" shall mean the vertical support member of a dock.

* * *

SECTION 3. Amendment. Chapter 30, "Unified Land Development Regulations," Article V, "Zoning," Section 30-311, "Boats, boat lifts, boathouses, mooring and docking" of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 2. DISTRICTS

* * *

Subdivision Q. Supplemental Regulations.

Sec. 30-311. – Boats, boat lifts, boathouses, mooring, and docking.

(a) *Intent.*

² Additions to existing text are shown in underline. Deletions are shown in ~~strike through~~.

EXHIBIT 4

(1) The intent of this section is to permit construction in and upon the waterways of docks, boatslips, wharves, finger piers, boat lifts, dolphin piles, fender or mooring piles and other related structures which do not interfere with navigation, endanger life or property, or delay the public reasonable viable access to public waterways.

(2) Structures not similar in nature to those listed herein are prohibited.

(3) The requirements contained in this section shall apply and control the development on the waterways Town-wide.

(4) Marinas shall comply with this section.

(b) *Permit required.*

(1) It shall be unlawful for any person to construct or erect docks, wharves, piers, or dolphin piles, mooring or fender piles or any type of boat lifting or mooring device or any other structure on or in waterways without first obtaining:

a. Any required Broward County permits and/or approvals, and subsequently, a building permit from the Town; and

b. The necessary approvals and/or permits from the United States Army Corps of Engineers, or other governmental agencies as applicable to certain navigable waterways.

(c) *Structures in waterways.*

~~(1) In a waterway 50 feet in width or less, boat slips, wharves, finger piers, docks, boat lifts, or dolphin, fender or mooring piles, or any other structures shall not be constructed or erected into any waterway more than five feet beyond the recorded property line.~~

(21) In a waterway ~~which~~ that is ~~more than 50~~ 100 feet or less in width, boat slips, wharves, finger piers, docks, boat lifts, or dolphin, ~~fender, or mooring~~ piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

a. ~~Boat slips, docks or wharves~~ Docks or wharves may be constructed or erected to extend into any waterway a distance of ten percent of the width of the waterway or distance of eight feet, whichever is less, as measured from the recorded property line.

b. *Finger piers.*

1. Finger Piers may be constructed or erected to extend into ~~any waterway~~ marine mooring areas established under Section 30-311(e) subject to the requirements below:

EXHIBIT 4

Finger Pier	Waterway	Marina Mooring Area (established pursuant to 30-311(e))
Length	Ten percent of the width of the water or a distance of 20 feet, whichever is less, measured from the recorded property line.	Sixteen percent of the width of the waterway or a distance of 25 feet, whichever is less, as measured from the recorded property line.
Width	No greater than necessary to meet ADA access requirements.	No greater than necessary to meet ADA access requirements.
Separation	Not less than 25 feet	Not less than 20 feet

2. Any finger pier(s) in existence constructed pursuant to a valid building permit issued prior to the effective date of this Section shall be deemed legal, nonconforming structures subject to the provisions of Article IV, Division 8, Section 30-137, Nonconforming Uses and Structures, as set forth in this Chapter of the Town Code.

c. Boat lifts. ~~lifting devices.~~

1. ~~Boat davits, elevator lifts, cradle lifts, floating lifts, or any other similar form of boat lifting device~~ Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin, ~~mooring or fender~~ piles.

1. Dolphin, ~~mooring or fender~~ piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin, ~~mooring, or fender~~ piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. The minimum spacing between dolphin, ~~fender or mooring~~ piles shall be ten feet.

(2) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

EXHIBIT 4

a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.

b. Finger piers are specifically prohibited.

c. Boat lifts.

1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin piles.

1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. Dolphin, fender or mooring piles shall be a minimum of ten feet apart.

(3) ~~Setbacks. No boat docks, wharves, finger piers, boat lifts lifting or mooring devices, dolphin piles or other similar structures~~ may be erected in the waterway, within five feet of an extended side property line.

(4) ~~Boat docks, wharves, or~~ and finger piers shall not be constructed or erected where the elevation of the deck exceeds the elevation of the top of the abutting seawall.

(5) *Common docking area.* In addition to the provisions contained in sub-sections (1) through (4), if two or more lots share a common docking area, the following conditions must be met prior to any permit being issued pursuant to this section:

a. The affected property owners shall enter into an agreement with the Town which shall state the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft.

b. The agreement shall be approved by the Town and thereafter recorded by the property owners along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners.

EXHIBIT 4

(6) Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners, the provisions of subsections (1) through (5) shall not apply, to the extent they are superseded by the Court's ruling, if proof of such adjudication is submitted with the building permit application.

(7) Any structure erected in any waterway shall be kept in good repair by the owner thereof and shall be subject to removal by the Town in the event that they are unsafe or create a hazard to navigation as determined by the Town, the cost thereof to be assessed against the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the Town.

(8) Boathouses and boat canals dug or excavated into any of the platted waterfront lots are prohibited.

(d) Docking and mooring of watercraft.

(1) No watercraft shall be docked or moored:

a. Except at an approved dock, ~~wharf, boat slip,~~ finger pier, ~~tender or mooring dolphin~~ pile within a standard mooring area or a marina mooring area designated pursuant to a conditional use approval;

b. Such that it extends beyond the standard mooring area or if applicable, the marina mooring area; or

c. Such that it extends within five feet of an extended side property line.

(2) The DSD shall have the right and authority to regulate the size or number of watercraft moored at a specific property when necessary to protect public safety.

(e) Designation of a marina mooring area. A marina, or any applicant for a marina, located in the B-1 zoning district may request approval of a designated marina mooring area as part of a conditional use application or conditional use amendment for the marina. Such designation shall be subject to all the requirements of section 30-271.

* * *

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be

EXHIBIT 4

changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

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

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

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

Passed on the first reading, this ____ day of _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Malkoon	_____	_____
Commissioner Pouloupoulos	_____	_____
Commissioner Strauss	_____	_____
Commissioner Oldaker	_____	_____

ATTEST:

Acting Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

EXHIBIT 3

Comparative Table of Commercial Dock Regulations			
City	District Similar to LBTS B-1 District	Zoning Regulations	Side Setback from Property line
Deerfield Beach	B-1	Least intensive commercial zoning district. Docks are an accessory use, and side setbacks for them are treated differently than the district side setbacks. City has recently updated specific regulations for docks based on waterfront types (unaltered state/mangrove fringe, seawall present, tidally influenced or not)	0' for district 10' for accessory structures 5' for seawall-tidally influenced properties
Fort Lauderdale	B-1	Least intensive commercial zoning district. Docks are an accessory use, and side setbacks are regulated by individual zoning district.	0' for district 10' when contiguous to residential property. 15' when placed next to a side street property line.
Lighthouse Point	B-1	Least intensive commercial zoning district. Required to build an 8' wall for screening when adjacent to residential. Docks are an accessory use. No side setback requirements for docks, but do have for boat lifts and dolphins.	0' for district
Oakland Park	B-1	Least intensive commercial zoning district. Dock are an accessory use and side setbacks are regulated by individual zoning districts.	15' where B-1 abuts residential 25' where residential is across the street with first 10' landscaped.
Pompano Beach	B-1	Least intensive commercial zoning district. Docks are an accessory use and can't be placed in required side setback. Can be as close at 5' to the property line when abutting property owners enter into an agreement approving the proposed placement.	0' for district 5'



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted by: Jhanelle Campbell, Director of Development Services

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: Ordinances, 1st Reading

Subject Title: ORDINANCE 2022-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241(e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDING. **(Exhibit 1)**

Explanation: In review of regulations in the RM-25 zoning district, Section 30-241(e) requires buildings on the same parcel to be separated by a distance of 20 feet.

This building separation distance is different from the view corridors required for development and redevelopment of the east side of El Mar contained in Section 30-241(i). View corridors will remain and are not proposed for change.

This provision of the Town Code could conflict with provisions of the Florida Building Code (FBC). The FBC requires separation between buildings on the same lot, but the distance could vary from 0 feet to 60 feet, depending on the number of factors resulting in a required fire separation distance. If the Town Code provision under review and the FBC are in conflict, the applicant would be required to file a variance. By removing the Town Code requirement, potential conflicts between the Codes are eliminated.

The FBC also provide greater flexibility in building placement on a lot. A building designer can utilize differing variables within the FBC to move buildings closer together or closer to property lines. This flexibility may result in cost savings for the applicant.

Finally, eliminating this provision of the Town Code would eliminate a number of nonconformities in the Town. Staff reviewed aerial photography of the Town that showed approximately 53 properties in the RM-25 zoning district with two or more buildings on the same lot. Of those properties, approximately 34 appear to have buildings closer than the required 20 feet.

The proposed changes, included in **Table 1** below, modify the regulations and requirements.

Table 1

	Issue	Ordinance Requirement	Ordinance Line Number
1.	Remove building separation requirements for buildings on the same lot.	Building on the same lot must be separated by a minimum distance of 20 feet.	35-42

This item was presented to the Planning and Zoning Board at its April 27, 2022, meeting and further detail regarding this issue and the Planning and Zoning Board's comments are available in the Planning and Zoning Board's staff report **(Exhibit 2)**. The Board recommended approval of the ordinance by a vote of 5-0.

Recommendation: Staff recommends approval of Ordinance 2022-03.

Attachments:

Ex. 1 Ordinance 2022-03

Ex. 2 Planning and Zoning Board Staff Report

Reviewed by Town Attorney:

☒	Yes	☐	No
--	-----	--------------------------	----

EXHIBIT 1

ORDINANCE 2022-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241(e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDINGS AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, building separation distances provide health and safety benefits to the community at large; and

WHEREAS, certain building separation requirements in the Unified Land Development Regulations conflict with separation distances allowed under the Fire and Building Codes; and

WHEREAS, the Town desires to have regulations that provide property owners’ the greatest flexibility in the use of their land; and

WHEREAS, the Town Commission desires to amend Town Code Section 30-241(e), “Intra Lot Placement.”

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

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

EXHIBIT 1

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” “RM-25 district – Apartments and Lodging” of the Town Code of Ordinances, is hereby amended as follows¹:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

Sec. 30-241. – RM-25 district – Apartments and Lodging.

(e) ~~*Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.~~ Reserved.

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

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

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

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 1

SECTION 6. 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 _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Malkoon	_____	_____
Commissioner Strauss	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Pouloupoulos	_____	_____

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



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

To: Planning and Zoning Board
 From: Jhanelle Campbell, Development Services Director
 Date: April 15, 2022
 Meeting Date: April 27, 2022
 Project: Ordinance Amending the Building Separation Requirement for Parcels in the RM-25 Zoning District

Purpose: To amend the Town Code of Ordinances (the “Town Code”) and default to the Florida Building Code (FBC) building separation requirements in the RM-25 Zoning District.

Explanation: Currently, the RM-25 Zoning District regulations provide that buildings on the same parcel must be separated by a distance of 20 feet.

The building separation distance is different from the view corridors required for development and redevelopment on the east side of El Mar contained in Section 30-241(i) of the Town Code. View corridors will remain and are not proposed for change.

Separation distances between buildings are implemented in zoning and building regulations for safety purposes. These separation distances allow natural air circulation through and around buildings. They also serve as a space to prevent a fire from spreading from one building to another.

Section 705.3 of the FBC refers to Sections 705.5 and 705.8, which subsequently refer to tables 601, 602, and 705.8. (**Exhibit 1**). The foregoing sections include a number of criteria that dictate the required distance between buildings. Depending on the fire separation distance, degree of opening protection, and percentage of openings, the distance between buildings on the same lot can vary anywhere from 0 feet to 60 feet based on FBC 705.8.

While Staff is proposing to eliminate the required separation distance from the RM-25 zoning regulations, the safety considerations described above are preserved in Section 705.3 of the FBC (**Exhibit 1**). The current zoning regulation is inconsistent with the FBC, which sufficiently/ more accurately regulates separation distance.

Instead of a uniform distance, the FBC provides a flexible distance separation dependent on the fire rating of building components. The FBC requires building designers to provide fire separation distance between the building and lot lines since an owner has no control over what occurs on an adjacent lot. The FBC also allows the fire separation distance to be measured from the center line of a street, alley, or public way. A building designer can utilize Table 602, along with the building’s type of construction and occupancy group, to reduce fire separation requirements and provide flexibility in building location on the lot. For example, if a designer increases the fire-resistance ratings in an exterior wall, that portion of the building could be located closer to the lot line.

An aerial photograph of the Town from the Broward County Property Appraiser showed approximately 53 properties in the RM-25 Zoning District that contained two or more buildings on the same parcel. Of those properties surveyed, it appears that 34 have buildings closer than the 20 feet required by the Town Code. There are a number of properties that do not meet the Town Code's 20-foot requirement. If the regulation was amended to default to the FBC, these non-conformities would be eliminated.

To implement the above, Ordinance 2022-03 amends Section 30-241(e) of the Town Code. The Ordinance is included in **Exhibit 2**.

Recommendation: Staff recommends approval of Ordinance 2021-XX to alleviate nonconformities and remove duplicative regulations and allow more flexibility in intra lot building placement.

Attachments:

- Ex. 1 – Florida Building Code, Section 705, Table 601, and Table 602.
- Ex. 2 – Ordinance 2022-03

lator unit is designed and to maintain its integrity for the purpose of providing the required fire-resistance protection.

704.13 Sprayed fire-resistant materials (SFRM). Sprayed fire-resistant materials (SFRM) shall comply with Sections 704.13.1 through 704.13.5.

704.13.1 Fire-resistance rating. The application of SFRM shall be consistent with the *fire-resistance rating* and the listing, including, but not limited to, minimum thickness and dry density of the applied SFRM, method of application, substrate surface conditions and the use of bonding adhesives, sealants, reinforcing or other materials.

704.13.2 Manufacturer's installation instructions. The application of SFRM shall be in accordance with the manufacturer's installation instructions. The instructions shall include, but are not limited to, substrate temperatures and surface conditions and SFRM handling, storage, mixing, conveyance, method of application, curing and ventilation.

704.13.3 Substrate condition. The SFRM shall be applied to a substrate in compliance with Sections 704.13.3.1 through 704.13.3.2.

704.13.3.1 Surface conditions. Substrates to receive SFRM shall be free of dirt, oil, grease, release agents, loose scale and any other condition that prevents adhesion. The substrates shall be free of primers, paints and encapsulants other than those fire tested and *listed* by a nationally recognized testing agency. Primed, painted or encapsulated steel shall be allowed, provided that testing has demonstrated that required adhesion is maintained.

704.13.3.2 Primers, paints and encapsulants. Where the SFRM is to be applied over primers, paints or encapsulants other than those specified in the listing, the material shall be field tested in accordance with ASTM E736. Where testing of the SFRM with primers, paints or encapsulants demonstrates that required adhesion is maintained, SFRM shall be permitted to be applied to primed, painted or encapsulated wide flange steel shapes in accordance with the following conditions:

1. The beam flange width does not exceed 12 inches (305 mm); or
2. The column flange width does not exceed 16 inches (400 mm); or
3. The beam or column web depth does not exceed 16 inches (400 mm).
4. The average and minimum bond strength values shall be determined based on a minimum of five bond tests conducted in accordance with ASTM E736. Bond tests conducted in accordance with ASTM E736 shall indicate an average bond strength of not less than 80 percent and an individual bond strength of not less than 50 percent, when compared to the bond strength of the SFRM as applied to clean uncoated $\frac{1}{8}$ -inch-thick (3.2 mm) steel plate.

704.13.4 Temperature. A minimum ambient and substrate temperature of 40°F (4.44°C) shall be maintained during and for not fewer than 24 hours after the application of the SFRM, unless the manufacturer's instructions allow otherwise.

704.13.5 Finished condition. The finished condition of SFRM applied to structural members or assemblies shall not, upon complete drying or curing, exhibit cracks, voids, spalls, delamination or any exposure of the substrate. Surface irregularities of SFRM shall be deemed acceptable.

SECTION 705 EXTERIOR WALLS

705.1 General. *Exterior walls* shall comply with this section.

705.2 Projections. Cornices, eave overhangs, exterior balconies and similar projections extending beyond the exterior wall shall conform to the requirements of this section and Section 1406. Exterior egress balconies and exterior exit stairways and ramps shall comply with Sections 1021 and 1027, respectively. Projections shall not extend any closer to the line used to determine the fire separation distance than shown in Table 705.2.

Exception: Buildings on the same lot and considered as portions of one building in accordance with Section 705.3 are not required to comply with this section for projections between the buildings.

TABLE 705.2
MINIMUM DISTANCE OF PROJECTION

FIRE SEPARATION DISTANCE (FSD) (feet)	MINIMUM DISTANCE FROM LINE USED TO DETERMINE FSD
0 to less than 2	Projections not permitted
2 to less than 3	24 inches
3 to less than 5	24 inches plus 8 inches for every foot of FSD beyond 3 feet or fraction thereof
5 or greater	40 inches

For SI: 1 foot = 304.8 mm; 1 inch = 25.4 mm.

705.2.1 Type I and II construction. Projections from walls of Type I or II construction shall be of noncombustible materials or combustible materials as allowed by Sections 1406.3 and 1406.4.

705.2.2 Type III, IV or V construction. Projections from walls of Type III, IV or V construction shall be of any *approved* material.

705.2.3 Combustible projections. Combustible projections extending to within 5 feet (1524 mm) of the line used to determine the *fire separation distance* shall be of not less than 1-hour *fire-resistance-rated* construction, heavy timber construction complying with Section 2304.11, *fire-retardant-treated wood* or as required by Section 1406.3.

Exception: Type VB construction shall be allowed for combustible projections in Group R-3 and U occupancies with a fire separation distance greater than or equal to 5 feet (1524 mm).

705.3 Buildings on the same lot. For the purposes of determining the required wall and opening protection, projections and roof-covering requirements, buildings on the same lot shall be assumed to have an imaginary line between them.

Where a new building is to be erected on the same lot as an existing building, the location of the assumed imaginary line with relation to the existing building shall be such that the *exterior wall* and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8.

Exceptions:

1. Two or more buildings on the same lot shall be either regulated as separate buildings or shall be considered as portions of one building if the aggregate area of such buildings is within the limits specified in Chapter 5 for a single building. Where the buildings contain different occupancy groups or are of different types of construction, the area shall be that allowed for the most restrictive occupancy or construction.
2. Where an S-2 parking garage of Construction Type I or IIA is erected on the same lot as a Group R-2 building, and there is no *fire separation distance* between these buildings, then the adjoining *exterior walls* between the buildings are permitted to have occupant use openings in accordance with Section 706.8. However, opening protectives in such openings shall only be required in the exterior wall of the S-2 parking garage, not in the exterior wall openings in the R-2 building, and these opening protectives in the exterior wall of the S-2 parking garage shall be not less than 1½-hour *fire protection rating*.

705.4 Materials. *Exterior walls* shall be of materials permitted by the building type of construction.

705.5 Fire-resistance ratings. *Exterior walls* shall be fire-resistance rated in accordance with Tables 601 and 602 and this section. The required *fire-resistance rating* of *exterior walls* with a *fire separation distance* of greater than 10 feet (3048 mm) shall be rated for exposure to fire from the inside. The required *fire-resistance rating* of *exterior walls* with a *fire separation distance* of less than or equal to 10 feet (3048 mm) shall be rated for exposure to fire from both sides.

705.6 Structural stability. *Exterior walls* shall extend to the height required by Section 705.11. Interior structural elements that brace the exterior wall but that are not located within the plane of the exterior wall shall have the minimum *fire-resistance rating* required in Table 601 for that structural element. Structural elements that brace the exterior wall but are located outside of the exterior wall or within the plane of the exterior wall shall have the minimum *fire-resistance rating* required in Tables 601 and 602 for the exterior wall.

705.7 Unexposed surface temperature. Where protected openings are not limited by Section 705.8, the limitation on the rise of temperature on the unexposed surface of *exterior walls* as required by ASTM E119 or UL 263 shall not apply. Where protected openings are limited by Section 705.8, the limitation on the rise of temperature on the unexposed surface of *exterior walls* as required by ASTM E119 or UL 263 shall

not apply provided that a correction is made for radiation from the unexposed *exterior wall* surface in accordance with the following formula:

$$A_e = A + (A_f \times F_{eo}) \quad (\text{Equation 7-1})$$

where:

A_e = Equivalent area of protected openings.

A = Actual area of protected openings.

A_f = Area of *exterior wall* surface in the *story* under consideration exclusive of openings, on which the temperature limitations of ASTM E119 or UL 263 for walls are exceeded.

F_{eo} = An "equivalent opening factor" derived from Figure 705.7 based on the average temperature of the unexposed wall surface and the *fire-resistance rating* of the wall.

705.8 Openings. Openings in *exterior walls* shall comply with Sections 705.8.1 through 705.8.6.

705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an *exterior wall* in any *story* of a building shall not exceed the percentages specified in Table 705.8.

Exceptions:

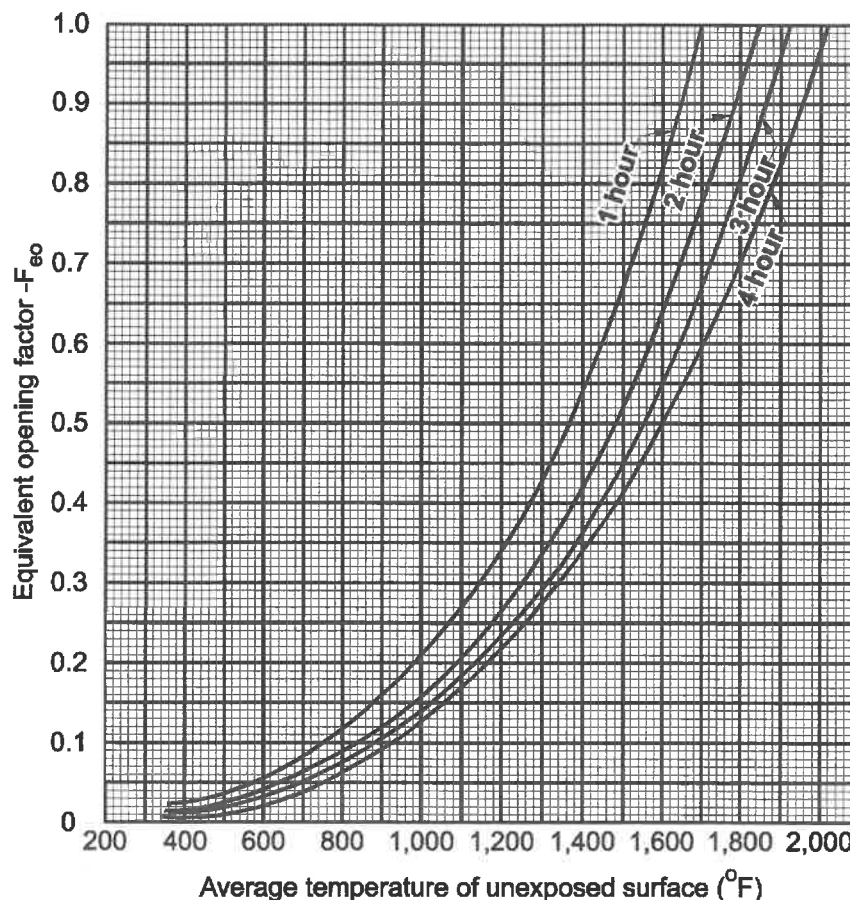
1. In other than Group H occupancies, unlimited unprotected openings are permitted in the first *story* above grade plane either:
 - 1.1. Where the wall faces a street and has a *fire separation distance* of more than 15 feet (4572 mm); or
 - 1.2. Where the wall faces an unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet (9144 mm) in width and shall have access from a street by a posted fire lane in accordance with the *Florida Fire Prevention Code*.
2. Buildings whose exterior bearing walls, exterior nonbearing walls and exterior primary structural frame are not required to be fire-resistance rated shall be permitted to have unlimited unprotected openings.

705.8.2 Protected openings. Where openings are required to be protected, *opening protectives* shall comply with Section 716.

Exception: Opening protectives are not required where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 and the exterior openings are protected by a water curtain using automatic sprinklers *approved* for that use.

705.8.3 Unprotected openings. Where unprotected openings are permitted, windows and doors shall be constructed of any *approved* materials. Glazing shall conform to the requirements of Chapters 24 and 26.

705.8.4 Mixed openings. Where both unprotected and protected openings are located in the *exterior wall* in any



For SI: $^{\circ}\text{C} = [(^{\circ}\text{F}) - 32] / 1.8$.

FIGURE 705.7
EQUIVALENT OPENING FACTOR

story of a building, the total area of openings shall be determined in accordance with the following:

$$(A_p/a_p) + (A_u/a_u) \leq 1 \quad (\text{Equation 7-2})$$

where:

A_p = Actual area of protected openings, or the equivalent area of protected openings, A_e (see Section 705.7).

a_p = Allowable area of protected openings.

A_u = Actual area of unprotected openings.

a_u = Allowable area of unprotected openings.

705.8.5 Vertical separation of openings. Openings in exterior walls in adjacent stories shall be separated vertically to protect against fire spread on the exterior of the buildings where the openings are within 5 feet (1524 mm) of each other horizontally and the opening in the lower story is not a protected opening with a fire protection rating of not less than $3/4$ hour. Such openings shall be separated vertically not less than 3 feet (914 mm) by spandrel girders, exterior walls or other similar assemblies that have a fire-resistance rating of not less than 1 hour, rated for exposure to fire from both sides, or by flame barriers

that extend horizontally not less than 30 inches (762 mm) beyond the exterior wall. Flame barriers shall have a fire-resistance rating of not less than 1 hour. The unexposed surface temperature limitations specified in ASTM E119 or UL 263 shall not apply to the flame barriers unless otherwise required by the provisions of this code.

Exceptions:

1. This section shall not apply to buildings that are three stories or less above grade plane.
2. This section shall not apply to buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
3. Open parking garages.

705.8.6 Vertical exposure. For buildings on the same lot, opening protectives having a fire protection rating of not less than $3/4$ hour shall be provided in every opening that is less than 15 feet (4572 mm) vertically above the roof of an adjacent building or structure based on assuming an imaginary line between them. The opening protectives are required where the fire separation distance between the

TABLE 705.8
MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON
FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION

FIRE SEPARATION DISTANCE (feet)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA ^a
0 to less than 3 ^{b, c, k}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted ^k
	Unprotected, Sprinklered (UP, S) ⁱ	Not Permitted ^k
	Protected (P)	Not Permitted ^k
3 to less than 5 ^{d, e}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) ⁱ	15%
	Protected (P)	15%
5 to less than 10 ^{e, f, j}	Unprotected, Nonsprinklered (UP, NS)	10% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	25%
	Protected (P)	25%
10 to less than 15 ^{e, f, g, j}	Unprotected, Nonsprinklered (UP, NS)	15% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	45%
	Protected (P)	45%
15 to less than 20 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S) ⁱ	75%
	Protected (P)	75%
20 to less than 25 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
25 to less than 30 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit

For SI: 1 foot = 304.8 mm.

UP, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

UP, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

P = Openings protected with an opening protective assembly in accordance with Section 705.8.2.

a. Values indicated are the percentage of the area of the exterior wall, per story.

b. For the requirements for fire walls of buildings with differing heights, see Section 706.6.1.

c. For openings in a fire wall for buildings on the same lot, see Section 706.8.

d. The maximum percentage of unprotected and protected openings shall be 25 percent for Group R-3 occupancies.

e. Unprotected openings shall not be permitted for openings with a fire separation distance of less than 15 feet for Group H-2 and H-3 occupancies.

f. The area of unprotected and protected openings shall not be limited for Group R-3 occupancies, with a fire separation distance of 5 feet or greater.

g. The area of openings in an open parking structure with a fire separation distance of 10 feet or greater shall not be limited.

h. Includes buildings accessory to Group R-3.

i. Not applicable to Group H-1, H-2 and H-3 occupancies.

j. The area of openings in a building containing only a Group U occupancy private garage or carport with a fire separation distance of 5 feet (1523 mm) or greater shall not be limited.

k. For openings between S-2 parking garage and Group R-2 building, see Section 705.3, Exception 2.

imaginary line and the adjacent building or structure is less than 15 feet (4572 mm).

Exceptions:

- Opening protectives are not required where the roof assembly of the adjacent building or structure has a *fire-resistance rating* of not less than 1 hour for a minimum distance of 10 feet (3048 mm) from the *exterior wall* facing the imaginary line and the entire length and span of the supporting elements for the fire-resistance-rated roof

assembly has a *fire-resistance rating* of not less than 1 hour.

- Buildings on the same lot and considered as portions of one building in accordance with Section 705.3 are not required to comply with Section 705.8.6.

705.9 Joints. Joints made in or between *exterior walls* required by this section to have a *fire-resistance rating* shall comply with Section 715.

Exception: Joints in *exterior walls* that are permitted to have unprotected openings.

705.9.1 Voids. The void created at the intersection of a floor/ceiling assembly and an exterior curtain wall assembly shall be protected in accordance with Section 715.4.

705.10 Ducts and air transfer openings. Penetrations by air ducts and air transfer openings in fire-resistance-rated *exterior walls* required to have protected openings shall comply with Section 717.

Exception: Foundation vents installed in accordance with this code are permitted.

705.11 Parapets. Parapets shall be provided on *exterior walls* of buildings.

Exceptions: A parapet need not be provided on an *exterior wall* where any of the following conditions exist:

1. The wall is not required to be fire-resistance rated in accordance with Table 602 because of *fire separation distance*.
2. The building has an area of not more than 1,000 square feet (93 m²) on any floor.
3. Walls that terminate at roofs of not less than 2-hour fire-resistance-rated construction or where the roof, including the deck or slab and supporting construction, is constructed entirely of noncombustible materials.
4. One-hour fire-resistance-rated *exterior walls* that terminate at the underside of the roof sheathing, deck or slab, provided:
 - 4.1. Where the roof/ceiling framing elements are parallel to the walls, such framing and elements supporting such framing shall not be of less than 1-hour fire-resistance-rated construction for a width of 4 feet (1220 mm) for Groups R and U and 10 feet (3048 mm) for other occupancies, measured from the interior side of the wall.
 - 4.2. Where roof/ceiling framing elements are not parallel to the wall, the entire span of such framing and elements supporting such framing shall not be of less than 1-hour fire-resistance-rated construction.
 - 4.3. Openings in the roof shall not be located within 5 feet (1524 mm) of the 1-hour fire-resistance-rated *exterior wall* for Groups R and U and 10 feet (3048 mm) for other occupancies, measured from the interior side of the wall.
 - 4.4. The entire building shall be provided with not less than a Class B roof covering.
5. In Groups R-2 and R-3 where the entire building is provided with a Class C roof covering, the *exterior wall* shall be permitted to terminate at the underside of the roof sheathing or deck in Type III, IV and V construction, provided one or both of the following criteria is met:
 - 5.1. The roof sheathing or deck is constructed of *approved* noncombustible materials or

of *fire-retardant-treated wood* for a distance of 4 feet (1220 mm).

5.2. The roof is protected with 0.625-inch (16 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members for a minimum distance of 4 feet (1220 mm).

6. Where the wall is permitted to have not less than 25 percent of the *exterior wall* areas containing unprotected openings based on *fire separation distance* as determined in accordance with Section 705.8.

705.11.1 Parapet construction. Parapets shall have the same *fire-resistance rating* as that required for the supporting wall, and on any side adjacent to a roof surface, shall have noncombustible faces for the uppermost 18 inches (457 mm), including counterflashing and coping materials. The height of the parapet shall be not less than 30 inches (762 mm) above the point where the roof surface and the wall intersect. Where the roof slopes toward a parapet at a slope greater than two units vertical in 12 units horizontal (16.7-percent slope), the parapet shall extend to the same height as any portion of the roof within a *fire separation distance* where protection of wall openings is required, but in no case shall the height be less than 30 inches (762 mm).

SECTION 706 FIRE WALLS

706.1 General. Each portion of a building separated by one or more *fire walls* that comply with the provisions of this section shall be considered a separate building. The extent and location of such *fire walls* shall provide a complete separation. Where a *fire wall* separates occupancies that are required to be separated by a *fire barrier wall*, the most restrictive requirements of each separation shall apply.

706.1.1 Party walls. Any wall located on a *lot line* between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a *fire wall* in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.

Exception: Openings in a party wall separating an *anchor building* and a mall shall be in accordance with Section 402.4.2.2.1.

706.2 Structural stability. *Fire walls* shall be designed and constructed to allow collapse of the structure on either side without collapse of the wall under fire conditions. *Fire walls* designed and constructed in accordance with NFPA 221 shall be deemed to comply with this section.

706.3 Materials. *Fire walls* shall be of any *approved* noncombustible materials.

Exception: Buildings of Type V construction.

CHAPTER 6

TYPES OF CONSTRUCTION

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall control the classification of buildings as to type of construction.

SECTION 602 CONSTRUCTION CLASSIFICATION

602.1 General. Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5. The building elements shall have a *fire-resistance rating* not less than that specified in Table 601 and exterior walls shall have a *fire-resistance rating* not less than that specified in Table 602. Where required to have a *fire-resistance rating* by Table 601, building elements shall comply with the applicable provisions of Section 703.2. The protection of openings, ducts and air transfer openings in building elements shall not be required unless required by other provisions of this code.

602.1.1 Minimum requirements. A building or portion thereof shall not be required to conform to the details of a type of construction higher than that type which meets the minimum requirements based on occupancy even though

certain features of such a building actually conform to a higher type of construction.

602.2 Types I and II. Types I and II construction are those types of construction in which the building elements listed in Table 601 are of noncombustible materials, except as permitted in Section 603 and elsewhere in this code.

602.3 Type III. Type III construction is that type of construction in which the exterior walls are of noncombustible materials and the interior building elements are of any material permitted by this code. *Fire-retardant-treated wood* framing complying with Section 2303.2 shall be permitted within exterior wall assemblies of a 2-hour rating or less.

602.4 Type IV. Type IV construction is that type of construction in which the exterior walls are of noncombustible materials and the interior building elements are of solid wood, laminated wood, heavy timber (HT) or structural composite lumber (SCL) without concealed spaces. The minimum dimensions for permitted materials including solid timber, glued-laminated timber, structural composite lumber (SCL) and cross-laminated timber and details of Type IV construction shall comply with the provisions of this section and Section 2304.11. Exterior walls complying with Section 602.4.1 or 602.4.2 shall be permitted. Interior walls and partitions not less than 1-hour fire-resistance rating or heavy timber complying with Section 2304.11.2.2 shall be permitted.

TABLE 601
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (HOURS)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A	B	A	B	HT	A	B
Primary structural frame ^f (see Section 202)	3 ^a	2 ^a	1	0	1	0	HT	1	0
Bearing walls									
Exterior ^{e, f}	3	2	1	0	2	2	2	1	0
Interior	3 ^a	2 ^a	1	0	1	0	1/HT	1	0
Nonbearing walls and partitions	See Table 602								
Exterior									
Nonbearing walls and partitions							See		
Interior ^d	0	0	0	0	0	0	Section	0	0
2304.11.2									
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	HT	1	0
Roof construction and associated secondary members (see Section 202)	1 1/2 ^b	1 ^{b, c}	1 ^{b, c}	0 ^c	1 ^{b, c}	0	HT	1 ^{b, c}	0

For SI: 1 foot = 304.8 mm.

- a. Roof supports: Fire-resistance ratings of primary structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.
- b. Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.
- c. In all occupancies, heavy timber complying with Section 2304.11 shall be allowed where a 1-hour or less fire-resistance rating is required.
- d. Not less than the fire-resistance rating required by other sections of this code.
- e. Not less than the fire-resistance rating based on fire separation distance (see Table 602).
- f. Not less than the fire-resistance rating as referenced in Section 704.10.

TABLE 602

FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE^{a, d, g}

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H ^a	OCCUPANCY GROUP F-1, M, S-1 ^f	OCCUPANCY GROUP A, B, E, F-2, I, R, S-2, U ^b
$X < 5^b$	All	3	2	1
$5 \leq X < 10$	IA	3	2	1
	Others	2	1	1
$10 \leq X < 30$	IA, IB	2	1	1 ^c
	IIB, VB	1	0	0
	Others	1	1	1 ^c
$X \geq 30$	All	0	0	0

For SI: 1 foot = 304.8 mm.

- a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b. See Section 706.1.1 for party walls.
- c. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- d. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- e. For special requirements for Group H occupancies, see Section 415.6.
- f. For special requirements for Group S aircraft hangars, see Section 412.4.1.
- g. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.
- h. For a building containing only a Group U occupancy private garage or carport, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.

602.4.1 Fire-retardant-treated wood in exterior walls.

Fire-retardant-treated wood framing and sheathing complying with Section 2303.2 shall be permitted within exterior wall assemblies not less than 6 inches (152 mm) in thickness with a 2-hour rating or less.

602.4.2 Cross-laminated timber in exterior walls.

Cross-laminated timber complying with Section 2303.1.4 shall be permitted within exterior wall assemblies not less than 6 inches (152 mm) in thickness with a 2-hour rating or less, provided the exterior surface of the cross-laminated timber is protected by one the following:

1. *Fire-retardant-treated wood* sheathing complying with Section 2303.2 and not less than $1\frac{5}{32}$ inch (12 mm) thick;
2. *Gypsum board* not less than $\frac{1}{2}$ inch (12.7 mm) thick; or
3. A noncombustible material.

602.4.3 Exterior structural members. Where a horizontal separation of 20 feet (6096 mm) or more is provided, wood columns and arches conforming to heavy timber sizes complying with Section 2304.11 shall be permitted to be used externally.

602.5 Type V. Type V construction is that type of construction in which the structural elements, *exterior walls* and interior walls are of any materials permitted by this code.

SECTION 603 COMBUSTIBLE MATERIAL IN TYPES I AND II CONSTRUCTION

603.1 Allowable materials. Combustible materials shall be permitted in buildings of Type I or II construction in the fol-

lowing applications and in accordance with Sections 603.1.1 through 603.1.3:

1. *Fire-retardant-treated wood* shall be permitted in:

- 1.1. Nonbearing partitions where the required *fire-resistance rating* is 2 hours or less.
- 1.2. Nonbearing *exterior walls* where fire-resistance-rated construction is not required.
- 1.3. Roof construction, including girders, trusses, framing and decking.

Exception: In buildings of Type IA construction exceeding two *stories above grade plane*, *fire-retardant-treated wood* is not permitted in roof construction where the vertical distance from the upper floor to the roof is less than 20 feet (6096 mm).

2. Thermal and acoustical insulation, other than foam plastics, having a *flame spread index* of not more than 25.

Exceptions:

1. Insulation placed between two layers of noncombustible materials without an intervening airspace shall be allowed to have a *flame spread index* of not more than 100.
2. Insulation installed between a finished floor and solid decking without intervening airspace shall be allowed to have a *flame spread index* of not more than 200.
3. Foam plastics in accordance with Chapter 26.
4. Roof coverings that have an A, B or C classification.
5. *Interior floor finish* and floor covering materials installed in accordance with Section 804.

EXHIBIT 2

ORDINANCE 2022-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241(e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENT FOR GROUPED STRUCTURES AND BUILDINGS AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, building separation distances provide health and safety benefits to the community at large; and

WHEREAS, certain building separation requirements in the Unified Land Development Regulations conflict with separation distances allowed under the Fire and Building Codes; and

WHEREAS, the Town desires to have regulations that provide property owners’ the greatest flexibility in the use of their land; and

WHEREAS, the Town Commission desires to amend Town Code Section 30-241(e), “Intra Lot Placement.”

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

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

EXHIBIT 2

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” “RM-25 district – Apartments and Lodging” of the Town Code of Ordinances, is hereby amended as follows¹:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

Sec. 30-241. – RM-25 district – Apartments and Lodging.

(e) ~~*Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.~~ Reserved.

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

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

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

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 2

SECTION 6. 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 _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent		
Vice-Mayor Malkoon		
Commissioner Strauss		
Commissioner Oldaker		
Commissioner Pouloupoulos		

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted by: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Discussion

Agenda Section: Quasi-Judicial

Subject Title: Case Number 2022-L2-AA-01: Carol Ficks (applicant) – Level 2 Administrative Adjustment Request to Section 30-211(c)(2) to encroach into a required side setback.

Explanation: This application (**Exhibit 1**) is a request for a Level 2 Administrative Adjustment to permit the construction of an addition that will encroach 0.5 feet in to the required side setback, and to allow the roof overhang of the proposed addition to encroach 2 feet into the required 7.5 foot side setback (see **red** highlight in image 1). The requested encroachments allow the proposed addition to match the side setback of the existing structure.

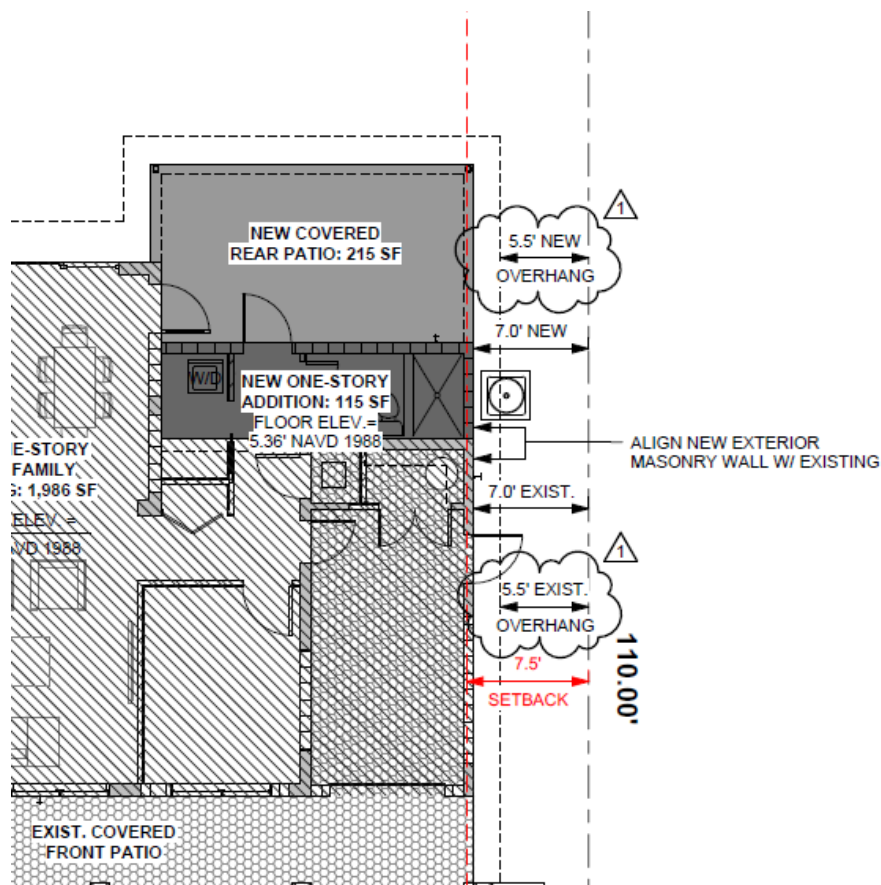


Image 1-Proposed addition

The subject property is zoned RS-5 and has a future land use classification of Low (5) Residential. The subject property is .18 acres. The building was constructed with a 7 foot setback and is therefore nonconforming.

A detailed explanation of the request is provided in the attached Planning and Zoning Board staff report **(Exhibit 2)**.

As required by the Town Code, Staff mailed notices to the surrounding properties located within a 300 feet radius of the subject property and received no comments in opposition to the application **(Exhibit 3)**. The property was properly posted, and the notice was placed on the Town's website.

The Planning and Zoning Board reviewed the application at its April 27, 2022 meeting and recommended approval of staff's recommendation to approve the administrative adjustment request 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.

Recommendation: Staff recommends that the Commission approve the requested Administrative Adjustment as set forth in the attached Development Order **(Exhibit 4)**.

Attachments:

- Ex. 1 Application and Plans
- Ex. 2 Planning and Zoning Board Staff Report
- Ex. 3 Town Code Section 30-139
- Ex. 4 Administrative Adjustment Development Order

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

2022-L2-AA-01

Application Number: _____

BTR #: _____

Date Application Submitted: 1/24/2022

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

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

Check appropriate application and block:

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

Project Name: FICKS RESIDENCE

Folio Numbers: 4943 18 07 1940

Street Address: 262 LOMBARDY AVENUE

Legal Description: SILVER SHOES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 10
BLK 24

Name of Property Owner: CAROL FICKS Property Owner's Phone #: _____

Address of Property Owner: 262 LOMBARDY AVENUE

Property Owner's Email Address: CTFICKS@COMCAST.NET

Name of Applicant: CAROL FICKS Applicant's Phone #: 860-930-7790

Applicant's Address: 262 LOMBARDY AVENUE

Applicant Email Address: CTFICKS@COMCAST.NET

Name of Agent (e.g. Contractor Representing the Project): STAN SCHACHNE

Agent's Email Address: STAN@FLBUILDEERS.COM Agent's Phone #: 954-410-0409

Agent's Address: 10101 S.W. 40TH ST. DAVIE, FL 33328

Land Use Plan Designation: _____ Zoning District: _____

Existing Use of the Subject Property: SINGLE FAMILY HOME

Proposed Use of the Subject Property: SINGLE FAMILY HOME

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I CAROL T. FICKS (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: CAROL T. FICKS Date: 1/24/22

Signature of Property Owner: (Carol T. Ficks)

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: CAROL FICKS Date: 1.24.2022

Signature of Property Owner: (Carol T. Ficks)

State of ~~Florida~~ CONNECTICUT

County of HARTFORD

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 24 of JANUARY, 2022

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

Print Notary Name: Christine Edgar My Commission Expires: 7/31/2024

Notary Signature: Christine Edgar

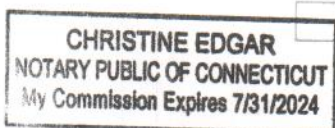
Applicant

Print Name of Property Owner: CAROL FICKS Date: 1.24.2022

Signature of Property Owner: (Carol T. Ficks)

State of ~~Florida~~ CONNECTICUT

County of HARTFORD



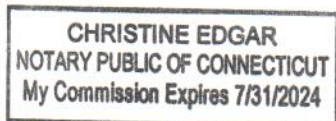
SWORN AND SUBSCRIBED before me by means of _____ physical presence or _____ online notarization, this day

24 of JANUARY, 2022

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

Print Notary Name: Christine Edgar My Commission Expires: 7/31/2024

Notary Signature: Christine Edgar



January 26, 2022

Zoning Department
4501 N. Ocean Drive
Lauderdale By The Sea, FL
33308

Re: 262 Lombardy Avenue

PROJECT NARRATIVE

To whom it may concern:

Our company, Schachne Architects and Builders has designed a small bathroom and covered porch addition in the rear southwest corner of the existing house structure located at the address above. We are requesting a Level 2 Administrative Adjustment, Criteria for Approval under section d, vii.

The existing side yard setback requirement is 7.5' and our existing house west wall setback is 7.0'. It is our recommendation to align the new addition west wall with the existing west wall of the house. This will alleviate a 6" offset which aesthetically would not look very good. We are requesting an administrative adjustment approval since we are keeping with the aesthetics of the existing house design. The added cover porch and bathroom addition roof overhang will tie into the existing west overhang. The roof line will be tied into the existing roof, it will not be any higher.

Sincerely,



Stan Schachne AIA



IMPERVIOUS & PVIOUS SPACE CALCULATIONS

PERMIT # _____ DATE 2/10/22

OWNER CAROL FICKS

CONTRACTOR SCHACHNE ARCHITECTS AND BUILDERS

TOTAL LOT AREA (SQ.FT.)	<u>7,700 S.F.</u>	
BUILDING FOOTPRINT AREA	<u>2,101 S.F.</u>	<u>27.3 %</u>
PORCH/PATIOS/WALKWAYS/SLABS	<u>475 S.F.</u>	<u>6.1 %</u>
DRIVEWAY AREA	<u>1,396 S.F.</u>	<u>18.2 %</u>
POOL/PATIO AREA	<u>N/A</u>	<u>%</u>
TOTAL IMPERVIOUS AREA TOTAL	<u>3,972 S.F.</u>	<u>51.6 %</u>
PERVIOUS AREA	<u>3,728 S.F.</u>	<u>48.4 %</u>

I CERTIFY THAT ALL THE FOREGOING INFORMATION IS ACCURATE AND THAT ALL WORK WILL BE DONE IN COMPLIANCE WITH THE APPLICABLE LAWS REGULATION CONSTRUCTION AND ZONING.

CAROL FICKS (Signature) 2-10-2022
Owner Date

SCHACHNE ARCHITECTS AND BUILDERS (Signature) 2/10/22
Contractor Date

WE RESERVE THE RIGHT TO HAVE THIS DOCUMENT PREPARED SIGNED AND SEALED BY AN ARCHITECT OPR ENGINEER

Stan Schachne (Signature)
STAN SCHACHNE
Architect/Engineer

2/10/22
DATE

THE PERMIT APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE MINIMUM DOCUMENTATION
OTHER DOCUMENTS MAY BE REQUIRED DEPENDING UPON THE JOB CONDITIONS

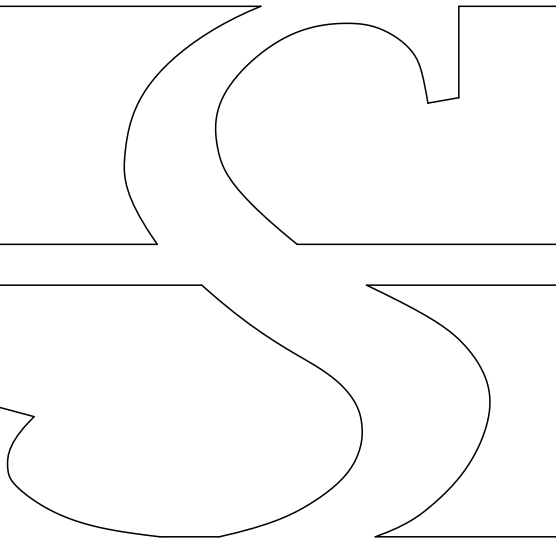
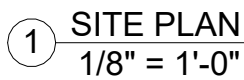


262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL 33308

ALTERATIONS TO AN EXISTING ONE STORY SINGLE-FAMILY DWELLING
AND CONSTRUCTION OF A ONE-STORY ADDITION. THE SCOPE OF WORK
INCLUDES:

1. CONSTRUCTION OF (1) ADDITION INCLUDING BATHROOM, LAUNDRY, AND COVERED PATIO. RENOVATION OF EXISTING BATHROOMS & KITCHEN.

LEGAL DESCRIPTION: SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 10 BLK 24		
CONSTRUCTION & OCCUPANCY TYPE TYPE V CONSTRUCTION OCCUPANCY TYPE: GROUP R-3 Florida Building Code 7th Edition (2020) Building ALTERATION - LEVEL 2 Florida Building Code 7th Edition (2020) Existing Building		
ZONING CATEGORY	RS-5	
FLOOD ZONE	AE-5	
DESCRIPTION	REQUIREMENT	PROVIDED
SET BACKS		
FRONT SIDE REAR	25.00' MIN. 7.50' MIN. 10.00' MIN.	25.00' EXIST. 7.00' EXIST. 27.70' EXIST.
FLOOR AREA		
EXIST. GROUND FLOOR (A/C)		1,768 SF
EXIST. CAR PORT		218 SF
EXIST. COVERED FRONT PATIO		240 SF
NEW GROUND FLOOR ADDITIONS (A/C)		115 SF
NEW COVERED REAR PATIO		215 SF
TOTAL FLOOR AREA		2,556 SF
MINIMUM DU FLR. AREA MIN. DU S.F. ALLOWED	1,200 SF	1,883 SF (AC)
HEIGHT	33.00' MAX.	13.00'



10101 S.W. 40TH STREET
DAVIE, FL 33328
TEL.: (954) 236-9660 FAX.: (954) 236-7977
AR12151

WWW.FLBUILDERS.COM

ALL IDEAS, DESIGNS, PLANS &
SPECIFICATIONS INDICATED AND/OR
REPRESENTED BY THIS DRAWING ARE THE
PROPERTY OF STANLEY N. SCHACHNE
ARCHITECT, P.A. AND SHALL NOT BE USED
AT ANY LOCATION EXCEPT THE ONE FOR
WHICH THEY WERE EXPRESSLY DESIGNED
OR BY ANY PARTY OTHER THAN STANLEY N.
SCHACHNE ARCHITECT, P.A.. STANLEY N.
SCHACHNE ARCHITECT, P.A. WILL BE PAID
HIS FULL COMMISSION IF THESE
DRAWINGS OR ANY PART THEREOF IS
REPRODUCED IN ANY MANNER WITHOUT
WRITTEN CONSENT.

© 2022 STANLEY N. SCHACHNE

[illegible]

PROPOSED ALTERATIONS FOR:
FICKS RESIDENCE
262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL
33308

SITE PLAN

ADMINISTRATIVE ADJUSTMENT SUBMITTAL

Date 01/28/2022

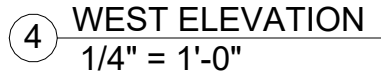
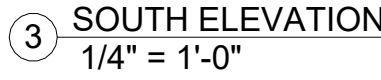
Drawn by DPG

Checked by SNS

A1

Scale As indicated





WWW.FLBUILDERS.COM

© 2022 STANLEY N. SCHACHNE

PROPOSED ALTERATIONS FOR:
FICKS RESIDENCE
262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL
33308

Date	01/28/2022
------	------------

Drawn by	DPG
----------	-----

Checked by	SNS
------------	-----

Scale	1/4" = 1'-0"
-------	--------------

GENERAL LEGEND:

A/C = AIR CONDITIONER
AF = ALUMINUM FENCE
BCR = BROWARD COUNTY RECORDS
BM = BENCHMARK
CB = CATCH BASIN
CME = CANAL MAINTENANCE EASEMENT
C/L = CENTERLINE
CLF = CHAIN LINK FENCE
CBS = CONCRETE BLOCK STRUCTURE
CHATT = CHATTAHOOCHEE
CONC = CONCRETE
CO = CLEAN OUT
D = DELTA (CENTRAL ANGLE)
DE = DRAINAGE EASEMENT
E = EAST
EB = ELECTRIC BOX
ELE = ELEVATION
X 0.00' = ELEVATION
EOP = EDGE OF PAVEMENT
EOW = EDGE OF WATER
FF = FINISHED FLOOR
FDH = FOUND DRILLHOLE
FH = FIRE HYDRANT
FN = FOUND NAIL
FIP = FOUND 1/2" IRON PIPE
FIR = FOUND 1/2" IRON ROD
FND = FOUND
INV = INVERT
L = ARC LENGTH
LP = LIGHT POLE
LME = LAKE MAINTENANCE EASEMENT
N = NORTH
N/A = NO BASE FLOOD (FOR FLOOD ZONE X)
N&D = NAIL & DISC
NO ID = NO IDENTIFICATION
MF = METAL FENCE
MH = MAN HOLE
OH = OVERHEAD CABLES
OR = OFFICIAL RECORD BOOK
O/S = OFFSET
PB = PLAT BOOK
PBCR = PALM BEACH COUNTY RECORDS
PC = POINT OF CURVATURE
PG = PAGE
PL = PLANTER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PP = POOL PUMP
P&M = PLAT AND MEASURED
PVCF = POLYVINYL CHLORIDE FENCE
R = RADIUS
R/W = RIGHT OF WAY
S = SOUTH
S/W = SIDEWALK
SIR = SET 1/2" IRON ROD #6677
SND = SET NAIL & DISC
TYP = TYPICAL
UE = UTILITY EASEMENT
W = WEST
WF = WOOD FENCE
WM = WATER METER
WV = WATER VALVE

OH OH
OVERHEAD CABLES (OH)

POLYVINYL CHLORIDE FENCE (PVCF)

CHAIN LINK FENCE (CLF)

WOOD FENCE (WF)

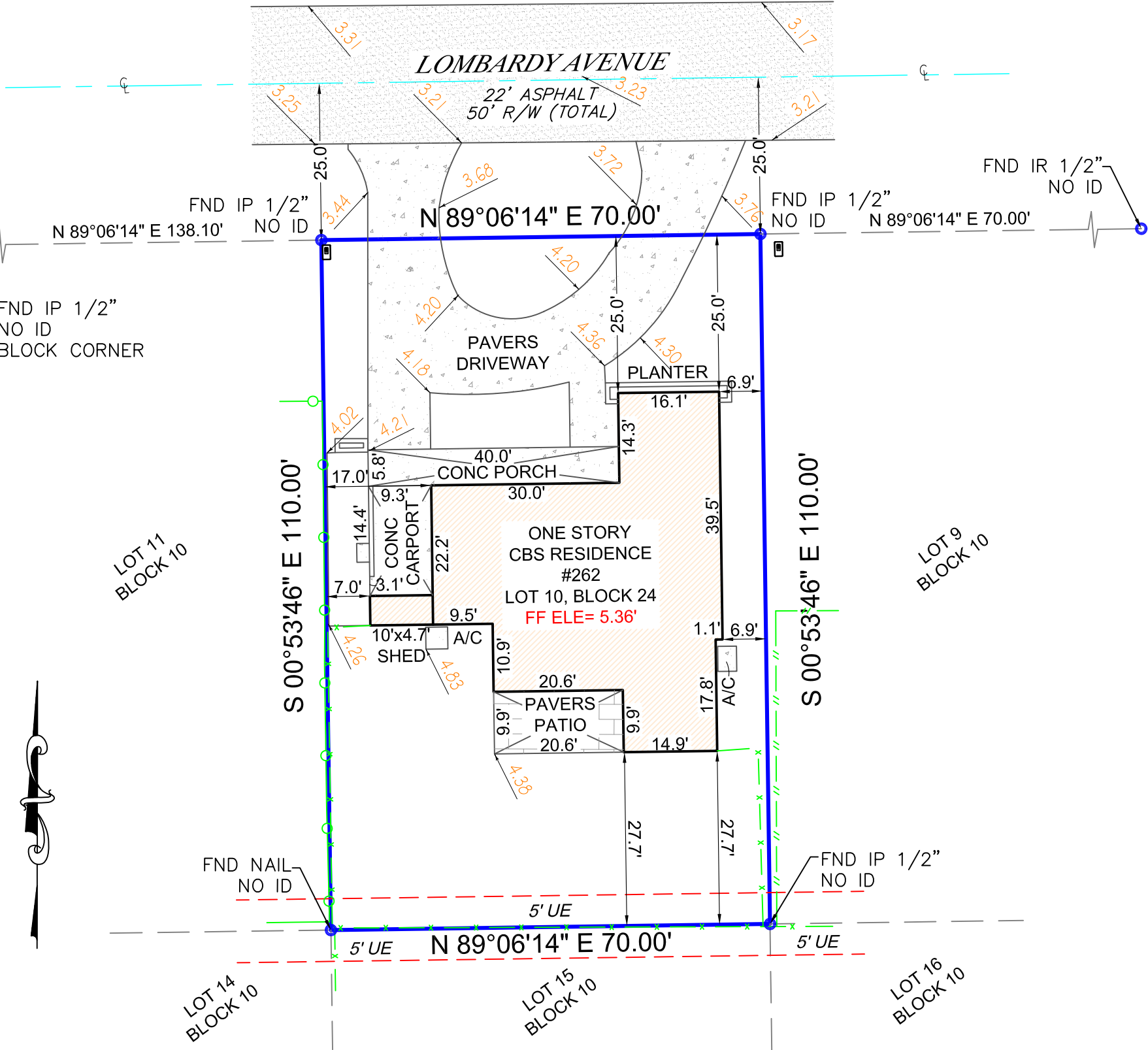
METAL FENCE (MF)

° DEGREE SYMBOL

WATER METER LIGHT POLE

AT&T BOX UTILITY POLE

WEST TRADE WINDS AVENUE
50' R/W (TOTAL)



LEGAL DESCRIPTION:

LOT 10, BLOCK 24, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN PLAT BOOK 31, AT PAGE 3, A/K/A LOT 10, BLOCK 24, SILVER SHORES SECTION OF LAUDERDALE -BY-THE-SEA, UNIT B, PLAT BOOK 31 AT PAGE 3.

CERTIFICATIONS:

CAROL T. FICKS

SURVEYORS NOTES:

- (1.) BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH LINE OF LOT 10, BLOCK 24 (N 89°06'14" E) PER THE RECORD PLAT AND ARE ASSUMED.
- (2.) LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
- (3.) NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
- (4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.
- (5.) THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.
- (6.) THERE MAY BE EXISTING RECORDED EASEMENTS CONTAINED IN THE PUBLIC RECORDS NOT DEPICTED HEREON THAT ONLY A THOROUGH TITLE SEARCH WOULD UNCOVER.
- (7.) SURVEY PURPOSE FOR FUTURE ADDITION.
- (8.) ELEVATIONS (IF SHOWN) ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UNLESS OTHERWISE NOTED. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK #: 2330, ELEVATION = 7.86' (NGVD 1929)

BOUNDARY SURVEY

PROPERTY ADDRESS:

262 LOMBARDY AVENUE,
LAUDERDALE BY THE SEA, FL 33308

FLOOD ZONE: AE - X

BASE FLOOD: 5 - N/A

COMMUNITY #: 125123

PANEL & SUFFIX: 0378 H

DATE OF FIRM: 8/18/2014

DATE OF SURVEY:

FIELD LOCATION OF IMPROVEMENTS

11/10/2021

SCALE: 1" = 20'

CADD: DJC

CHECKED BY: EWD

INVOICE #: 21-55825

SHEET # 1 OF 1

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

ERNEST W DUNCAN PSM., STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER LS 5182
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ALL COUNTY SURVEYORS

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



Town of Lauderdale-by-the-Sea Development Services

To: Planning & Zoning Board
From: Jhanelle Campbell, Development Services Director
Date: April 22, 2022
Meeting Date: April 27, 2022
Re: Case Number 2022-L2-AA-01: Carol Ficks (applicant) – Level 2 Administrative Adjustment Request to Section 30-211(c)(2) to encroach into a required side setback.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application and plans (**Exhibit 1**) submitted to the Town of Lauderdale-by-the-Sea (the “Town”) for the existing single-family home located at 262 Lombardy Avenue (**Diagram 1**). The Applicant, Carol Ficks, is requesting an Administrative Adjustment to permit the construction of an addition that will encroach 0.5 feet into the required side setback, and to allow the roof overhang of the addition to encroach 2 feet into the required side setback. These encroachments allow the addition to match the side setback of the existing structure.

Diagram 1



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

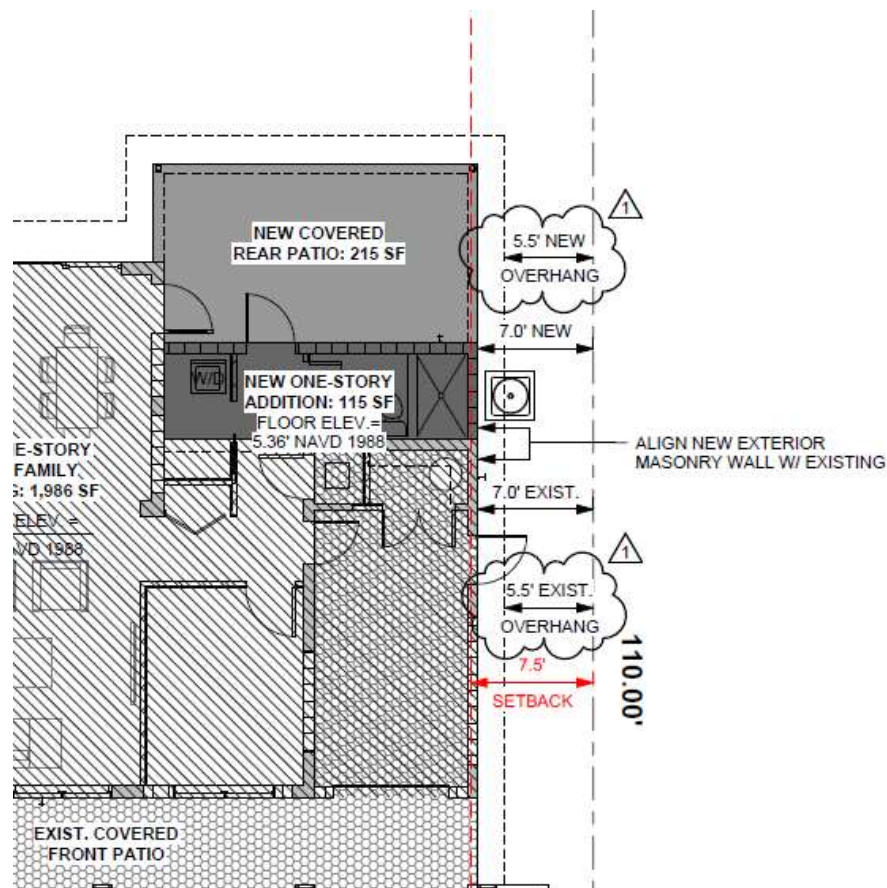
advertised pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code"). (**Exhibit 2**) Staff has received no comments from the public regarding this request.

Background and Request

The subject property is a developed 0.18-acre parcel located at 262 Lombardy Avenue within the RS-5 zoning district, with a future land use classification of Low (5) Residential. The dwelling on the property was built in the late 1950's and renovated in late 1960's. The building was constructed with a 7 foot setback and is therefore nonconforming.

The Applicant has applied for a Level 2 Administrative Adjustment to permit the construction of a patio addition that would encroach 0.5 feet into the required side setback for the property. The arrow in Diagram 1 points to the proposed location for the patio addition. The required side setback is 7.5 feet. In order to construct the proposed patio addition, the applicant will need to encroach on a portion of the side setback for the property. Diagram 2 below shows that, the side of the addition will be 7 feet from the property line, and the roof overhang for the addition will be 5.5 feet from the property line.

Diagram 2



Summary of Administrative Adjustment Request:

1. 0.5 foot encroachment of patio addition into the required side setback, to match the side setback of the existing nonconforming structure.
2. 2 foot encroachment of roof overhang into required side setback, to match the side setback of the existing roof overhang.

Administrative Adjustment

Town Code Provision

Town Code Section 30-128, "Administrative adjustments" (**Exhibit 3**) establishes standards that would allow the Town Commission (Level 2) to approve a reduction in setback requirements. A Level 2 Adjustment is permitted for up to 30% of the required setback or 5 feet, whichever is less, and for up to a five-foot adjustment of the roof overhang (**Table 1**). For a Level 2 Application, the Town Code requires review from Town staff, a recommendation from the Planning & Zoning Board and final review and consideration by the Town Commission.

Table I

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less

Criteria and Analysis

Section 30-128 of the Town's Code allows for a reduction in setbacks to be approved only if the decision maker finds that several criteria are met. The following lists those criteria with Staff responses in bold:

- a. The Administrative Adjustment does not result in an increase in allowable density; **The administrative adjustment does not exceed allowable density.**
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards; **The Administrative Adjustment does not affect the building height, which is within 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; **There is no right of way along this side of the structure. The structure would fall within the 5.5' (30% of 7.5') setback.**
- 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 of the proposed development; or

This condition is met. The existing building is constructed 7 feet from the property line, and its roof overhang is 5.5 feet from the property line, while the required setback is currently 7.5 feet. A 0.5' adjustment for the foundation and a 2' adjustment for the roof overhang is requested, to allow a small addition and covered patio to be built in line with the current structure.

- ii. Supports an objective from the purpose statements of the zoning district where located; or ***N/A***
- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or ***N/A***
- iv. Supports Mid-Century Modern Architecture; or ***N/A***
- v. Utilized to create a view corridor or other benefit to the Community; or ***N/A***
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or ***N/A***
- vii. 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.

This condition is not met. The proposed addition and covered patio will increase the footprint of the existing structure by 330 square feet, or approximately 4% of the total lot area. The project has met the requirements to meet a minimum of one (1) criteria. The fact that this criteria is not met is for information purposes only.

- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of the adjacent lands, and will not pose a danger to the public health or safety, ***The administrative adjustment will not substantially interfere with the use of adjacent lands or pose a danger to public health or safety.***
- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses. ***The administrative adjustment will not result in incompatible uses and is not incompatible to the character of development in the surrounding area.***
- 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. ***Granting the administrative adjustment does not result in adverse impacts, including but not limited to reductions in view corridors.***
- h. The Administrative Adjustment is consistent with the comprehensive plan. ***The adjustment is consistent with the comprehensive plan.***

STAFF RECOMMENDATIONS: The .5 foot adjustment for the structure and the 2 foot adjustment for the roof overhang both fall within the range of adjustments allowed by the Code. Criteria d.1. is met because the adjustment is required to compensate for some unusual aspect of the development site of the proposed development, namely the existing nonconforming side setback, and all other criteria are not applicable or are met. Therefore, staff recommends approval of the Administrative Adjustment, with the following condition:

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

Exhibits

Exhibit 1 – Administrative Adjustment Application with Plans

Exhibit 2 – Public Notice

Exhibit 3 – Town Code Section 30-128. Administrative Adjustments

Exhibit 4- Development Order

U:\0 Properties\Lombardy Avenue\Lombardy 262\2022-L2-AA-01\2022-L2-AA-01 262 Lombardy Avenue Staff Report.docx

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

2022-L2-AA-01

Application Number: _____

BTR #: _____

Date Application Submitted: 1/24/2022

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

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

Check appropriate application and block:

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

Project Name: FICKS RESIDENCE

Folio Numbers: 4943 18 07 1940

Street Address: 262 LOMBARDY AVENUE

Legal Description: SILVER SHOES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 10
BLK 24

Name of Property Owner: CAROL FICKS Property Owner's Phone #: _____

Address of Property Owner: 262 LOMBARDY AVENUE

Property Owner's Email Address: CTFICKS@COMCAST.NET

Name of Applicant: CAROL FICKS Applicant's Phone #: 860-930-7790

Applicant's Address: 262 LOMBARDY AVENUE

Applicant Email Address: CTFICKS@COMCAST.NET

Name of Agent (e.g. Contractor Representing the Project): STAN SCHACHNE

Agent's Email Address: STAN@FLBUILERS.COM Agent's Phone #: 954-410-0409

Agent's Address: 10101 S.W. 40TH ST. DAVIE, FL 33328

Land Use Plan Designation: _____ Zoning District: _____

Existing Use of the Subject Property: SINGLE FAMILY HOME

Proposed Use of the Subject Property: SINGLE FAMILY HOME

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I CAROL T. FICKS (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: CAROL T. FICKS Date: 1/24/22

Signature of Property Owner: (Carol T. Ficks)

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: CAROL FICKS Date: 1.24.2022

Signature of Property Owner: (Carol T. Ficks)

State of ~~Florida~~ CONNECTICUT

County of HARTFORD

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 24 of JANUARY, 2022

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

Print Notary Name: Christine Edgar My Commission Expires: 7/31/2024

Notary Signature: Christine Edgar

Applicant

Print Name of Property Owner: CAROL FICKS Date: 1.24.2022

Signature of Property Owner: (Carol T. Ficks)

State of ~~Florida~~ CONNECTICUT

County of HARTFORD



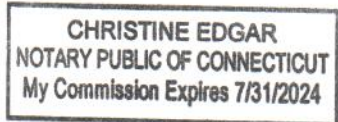
SWORN AND SUBSCRIBED before me by means of _____ physical presence or _____ online notarization, this day

24 of JANUARY, 2022

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

Print Notary Name: Christine Edgar My Commission Expires: 7/31/2024

Notary Signature: Christine Edgar



January 26, 2022

Zoning Department
4501 N. Ocean Drive
Lauderdale By The Sea, FL
33308

Re: 262 Lombardy Avenue

PROJECT NARRATIVE

To whom it may concern:

Our company, Schachne Architects and Builders has designed a small bathroom and covered porch addition in the rear southwest corner of the existing house structure located at the address above. We are requesting a Level 2 Administrative Adjustment, Criteria for Approval under section d, vii.

The existing side yard setback requirement is 7.5' and our existing house west wall setback is 7.0'. It is our recommendation to align the new addition west wall with the existing west wall of the house. This will alleviate a 6" offset which aesthetically would not look very good. We are requesting an administrative adjustment approval since we are keeping with the aesthetics of the existing house design. The added cover porch and bathroom addition roof overhang will tie into the existing west overhang. The roof line will be tied into the existing roof, it will not be any higher.

Sincerely,



Stan Schachne AIA



IMPERVIOUS & PVIOUS SPACE CALCULATIONS

PERMIT # _____ DATE 2/10/22
OWNER CAROL FICKS
CONTRACTOR SCHACHNE ARCHITECTS AND BUILDERS

TOTAL LOT AREA (SQ.FT.)	<u>7,700 S.F.</u>	
BUILDING FOOTPRINT AREA	<u>2,101 S.F.</u>	<u>27.3 %</u>
PORCH/PATIOS/WALKWAYS/SLABS	<u>475 S.F.</u>	<u>6.1 %</u>
DRIVEWAY AREA	<u>1,396 S.F.</u>	<u>18.2 %</u>
POOL/PATIO AREA	<u>N/A</u>	<u>%</u>
TOTAL IMPERVIOUS AREA TOTAL	<u>3,972 S.F.</u>	<u>51.6 %</u>
PERVIOUS AREA	<u>3,728 S.F.</u>	<u>48.4 %</u>

I CERTIFY THAT ALL THE FOREGOING INFORMATION IS ACCURATE AND THAT ALL WORK WILL BE DONE IN COMPLIANCE WITH THE APPLICABLE LAWS REGULATION CONSTRUCTION AND ZONING.

CAROL FICKS (Signature) 2-10-2022
Owner Date

SCHACHNE ARCHITECTS AND BUILDERS (Signature) 2/10/22
Contractor Date

WE RESERVE THE RIGHT TO HAVE THIS DOCUMENT PREPARED SIGNED AND SEALED BY AN ARCHITECT OR ENGINEER

Stan Schachne (Signature)
STAN SCHACHNE
Architect/Engineer

2/10/22
DATE

THE PERMIT APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE MINIMUM DOCUMENTATION
OTHER DOCUMENTS MAY BE REQUIRED DEPENDING UPON THE JOB CONDITIONS



262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL 33308

ALTERATIONS TO AN EXISTING ONE STORY SINGLE-FAMILY DWELLING
AND CONSTRUCTION OF A ONE-STORY ADDITION. THE SCOPE OF WORK
INCLUDES:

1. CONSTRUCTION OF (1) ADDITION INCLUDING BATHROOM, LAUNDRY, AND COVERED PATIO. RENOVATION OF EXISTING BATHROOMS & KITCHEN.

LEGAL DESCRIPTION:
SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 10
BLK 24

TYPE V CONSTRUCTION
OCCUPANCY TYPE: GROUP R-3
Florida Building Code 7th Edition (2020) Building

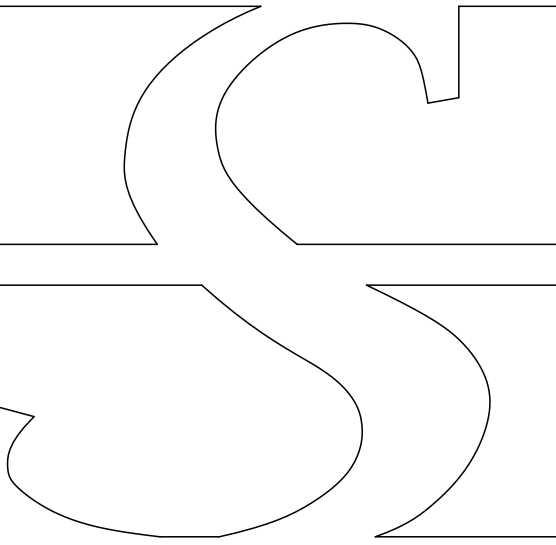
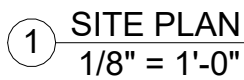
ALTERATION - LEVEL 2
Florida Building Code 7th Edition (2020) Existing Building

DESCRIPTION	REQUIREMENT	PROVIDED
SET BACKS		
FRONT	25.00' MIN.	25.00' EXIST.
SIDE	7.50' MIN.	7.00' EXIST.
REAR	10.00' MIN.	27.70' EXIST.

EXIST. GROUND FLOOR (A/C)
EXIST. CAR PORT
EXIST. COVERED FRONT PATIO
NEW GROUND FLOOR ADDITIONS (A/C)
NEW COVERED REAR PATIO

TOTAL FLOOR AREA	2,556 SF
------------------	----------

HEIGHT	33.00' MAX.	13.00'
---------------	-------------	--------



10101 S.W. 40TH STREET
DAVIE, FL 33328
TEL.: (954) 236-9660 FAX.: (954) 236-7977
AR12151

WWW.FLBUILDERS.COM

ALL IDEAS, DESIGNS, PLANS & SPECIFICATIONS INDICATED AND/OR REPRESENTED BY THIS DRAWING ARE THE PROPERTY OF STANLEY N. SCHACHNE ARCHITECT, P.A. AND SHALL NOT BE USED AT ANY LOCATION EXCEPT THE ONE FOR WHICH THEY WERE EXPRESSLY DESIGNED OR BY ANY PARTY OTHER THAN STANLEY N. SCHACHNE ARCHITECT, P.A.. STANLEY N. SCHACHNE ARCHITECT, P.A. WILL BE PAID HIS FULL COMMISSION IF THESE DRAWINGS OR ANY PART THEREOF IS REPRODUCED IN ANY MANNER WITHOUT WRITTEN CONSENT.

© 2022 STANLEY N. SCHACHNE

[illegible]

PROPOSED ALTERATIONS FOR:
FICKS RESIDENCE
262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL
33308

Date 01/28/2022

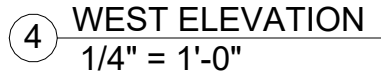
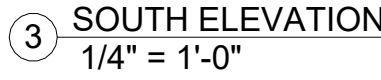
Printed by DPO

Drawn by DPG

Checked by SNS

A1

Scale As indicated



WWW.FLBUILDERS.COM

© 2022 STANLEY N. SCHACHNE

PROPOSED ALTERATIONS FOR:
FICKS RESIDENCE
262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL
33308

Date	01/28/2022
------	------------

Drawn by	DPG
----------	-----

Checked by	SNS
------------	-----

Scale	1/4" = 1'-0"
-------	--------------

GENERAL LEGEND:

A/C = AIR CONDITIONER
AF = ALUMINUM FENCE
BCR = BROWARD COUNTY RECORDS
BM = BENCHMARK
CB = CATCH BASIN
CME = CANAL MAINTENANCE EASEMENT
C/L = CENTERLINE
CLF = CHAIN LINK FENCE
CBS = CONCRETE BLOCK STRUCTURE
CHATT = CHATTAHOOCHEE
CONC = CONCRETE
CO = CLEAN OUT
D = DELTA (CENTRAL ANGLE)
DE = DRAINAGE EASEMENT
E = EAST
EB = ELECTRIC BOX
ELE = ELEVATION
X 0.00' = ELEVATION
EOP = EDGE OF PAVEMENT
EOW = EDGE OF WATER
FF = FINISHED FLOOR
FDH = FOUND DRILLHOLE
FH = FIRE HYDRANT
FN = FOUND NAIL
FIP = FOUND 1/2" IRON PIPE
FIR = FOUND 1/2" IRON ROD
FND = FOUND
INV = INVERT
L = ARC LENGTH
LP = LIGHT POLE
LME = LAKE MAINTENANCE EASEMENT
N = NORTH
N/A = NO BASE FLOOD (FOR FLOOD ZONE X)
N&D = NAIL & DISC
NO ID = NO IDENTIFICATION
MF = METAL FENCE
MH = MAN HOLE
OH = OVERHEAD CABLES
OR = OFFICIAL RECORD BOOK
O/S = OFFSET
PB = PLAT BOOK
PBCR = PALM BEACH COUNTY RECORDS
PC = POINT OF CURVATURE
PG = PAGE
PL = PLANTER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PP = POOL PUMP
P&M = PLAT AND MEASURED
PVCF = POLYVINYL CHLORIDE FENCE
R = RADIUS
R/W = RIGHT OF WAY
S = SOUTH
S/W = SIDEWALK
SIR = SET 1/2" IRON ROD #6677
SND = SET NAIL & DISC
TYP = TYPICAL
UE = UTILITY EASEMENT
W = WEST
WF = WOOD FENCE
WM = WATER METER
WV = WATER VALVE

OH OH
OVERHEAD CABLES (OH)

POLYVINYL CHLORIDE FENCE (PVCF)

CHAIN LINK FENCE (CLF)

WOOD FENCE (WF)

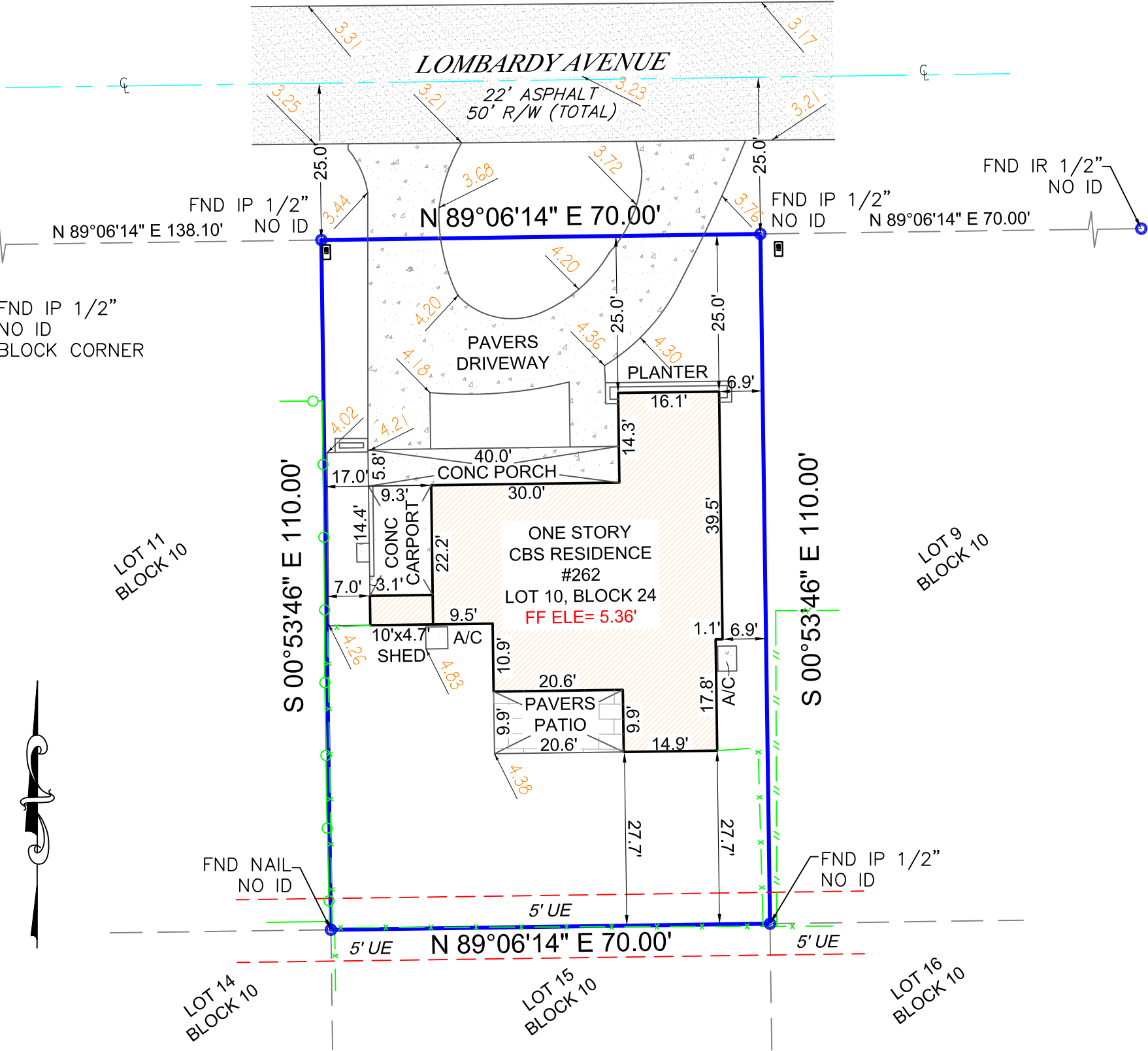
METAL FENCE (MF)

° DEGREE SYMBOL

WATER METER LIGHT POLE

AT&T BOX UTILITY POLE

WEST TRADE WINDS AVENUE
50' R/W (TOTAL)



LEGAL DESCRIPTION:

LOT 10, BLOCK 24, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN PLAT BOOK 31, AT PAGE 3, A/K/A LOT 10, BLOCK 24, SILVER SHORES SECTION OF LAUDERDALE -BY-THE-SEA, UNIT B, PLAT BOOK 31 AT PAGE 3.

CERTIFICATIONS:

CAROL T. FICKS

SURVEYORS NOTES:

(1.) BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH LINE OF LOT 10, BLOCK 24 (N 89°06'14" E) PER THE RECORD PLAT AND ARE ASSUMED.

(2.) LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.

(3.) NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.

(4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.

(5.) THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

(6.) THERE MAY BE EXISTING RECORDED EASEMENTS CONTAINED IN THE PUBLIC RECORDS NOT DEPICTED HEREON THAT ONLY A THOROUGH TITLE SEARCH WOULD UNCOVER.

(7.) SURVEY PURPOSE FOR FUTURE ADDITION.

(8.) ELEVATIONS (IF SHOWN) ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UNLESS OTHERWISE NOTED. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK #: 2330, ELEVATION = 7.86' (NGVD 1929)

BOUNDARY SURVEY

PROPERTY ADDRESS:

262 LOMBARDY AVENUE,
LAUDERDALE BY THE SEA, FL 33308

FLOOD ZONE: AE - X

BASE FLOOD: 5 - N/A

COMMUNITY #: 125123

PANEL & SUFFIX: 0378 H

DATE OF FIRM: 8/18/2014

DATE OF SURVEY:

FIELD LOCATION OF IMPROVEMENTS

11/10/2021

SCALE: 1" = 20'

CADD: DJC

CHECKED BY: EWD

INVOICE #: 21-55825

SHEET # 1 OF 1

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

ERNEST W DUNCAN PSM., STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER LS 5182
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ALL COUNTY SURVEYORS

PROFESSIONAL SURVEYORS AND MAPPERS

LICENSE NO. 6677
OFFICE: (954) 777-4747
FAX: (954) 777-2707

5400 SOUTH UNIVERSITY DRIVE
DAVIE, FLORIDA 33328 SUITE 216



Notice of Public Quasi-Judicial Hearing Town of Lauderdale-By-The-Sea, Florida

NOTICE IS HEREBY GIVEN that the Town of Lauderdale-By-The-Sea will hold a public hearing on the request below at **Jarvis Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida, 33308**, as follows:

Planning and Zoning **April 27, 2022** **6:00 PM**

Town Commission **May 10, 2022** **6:30 PM**

The following request shall be considered during the above virtual public hearing, which any person may participate by submitting public comments via email to public.comments@lbts-fl.gov:

Application Number: 2022-L2-AA-01
Applicant: Carol Ficks
Legal Description: SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 10 BLK 24
Site Address: 262 Lombardy Avenue
Zoning District: RS-5

Request: Pursuant to Section 30-128 “Administrative Adjustments,” the applicant has requested an Administrative Adjustment, level 2, to allow encroachment into the required side setback.

THE AGENDA PACKET AND RELATED MATERIALS CONCERNING THE REQUEST IS AVAILABLE FOR REVIEW AND INSPECTION AT THE TOWN CLERK’S OFFICE, 4501 OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FLORIDA, DURING REGULAR BUSINESS HOURS. ADDITIONALLY, THE AGENDA PACKET, INCLUDING MATERIALS RELATED TO THE REQUEST IS AVAILABLE FOR REVIEW THE FRIDAY BEFORE THE MEETING ON THE TOWN’S WEBSITE AT WWW.LBTS-FL.GOV.

PURSUANT TO TOWN CODE SECTION 30-140, THE APPLICATION WILL BE PRESENTED AND CONSIDERED AT THE MEETINGS ON THE DATES SET FORTH ABOVE. AFFECTED PERSONS WILL BE ALLOWED TO PRESENT EVIDENCE AT THE PUBLIC HEARING(S), BRING FORTH WITNESSES, AND CROSS EXAMINE WITNESSES PROVIDED NOTIFICATION AND FILING OF SUCH INFORMATION IS MADE WITH THE TOWN CLERK PRIOR TO THE ABOVE PUBLIC HEARING(S).

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC HEARING(S), 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 RECORDS INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO DAYS PRIOR TO THE MEETING AT (954) 640-4210 FOR ASSISTANCE.

You may also submit written comments to:

Town Clerk
 4501 Ocean Drive
 Lauderdale-By-The-Sea, Florida 33308

DIVISION 10. - NOTICE OF PUBLIC HEARINGS

Sec. 30-139. - Notice of Public Hearings.

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

Exhibit 2

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

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Board Notice Date (as applicable)	Commis-sion Notice Date	Type of Notice			
				Website	Posted	Mailed 300'	Published (Ad Type)
Other development		10 days	10 days	X	X	X	n/a

Exhibit 2

permits: administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, variances							
Administrative decisions: Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification				n/a	n/a	n/a	n/a
Comprehensive Development Master Plan - Text	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Development Master Plan - Map	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or prohibited uses within a zoning category).	166.041(3)(c)2	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Application Type	Florida Statute Reference	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
				Website	Posted	Mailed 300'	Published (Ad Type)
Land Development Code - all other Text Amendments	166.041	10 days	10 days	X			X (Standard)
Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	X	X	X	X (Standard)



**ADMINISTRATIVE ADJUSTMENT DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2022-L2-AA-01**

PROJECT NAME: 262 Lombardy Avenue

ADDRESS OF PROPERTY: 262 Lombardy Avenue

FOLIO #: 4943 18 07 1940

PROPERTY OWNER: Carol Ficks

APPLICANT: Carol Ficks

APPLICANT ADDRESS: 7 Belgravia Terrace Farmington, CT 06032

REQUEST: Pursuant to Article IV, Division 2 of Chapter 30 of the Town's Code of Ordinances, the Applicant is requesting a Level 2 administrative adjustment to permit the construction of a garage addition that would encroach 0.5 feet into the required side setback for property located at 262 Lombardy Avenue.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on May 10, 2022, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a site plan is hereby approved as shown on the plans submitted by Stanley N Schachne PA, 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 May, 2022

MAYOR CHRIS VINCENT

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

U:\0 Properties\Lombardy Avenue\Lombardy 262\2022-L2-AA-01\Commission\2022-L2-AA-012 Development Order 262 Lombardy Avenue.docx

Sec. 30-139. Notice of Public Hearings.

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

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

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
				Website	Posted	Mailed 300'	Published (Ad Type)
Other development permits: administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, variances		10 days	10 days	X	X	X	n/a
Administrative decisions: Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification				n/a	n/a	n/a	n/a
Comprehensive Development Master Plan - Text	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Development Master Plan - Map	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or prohibited uses within a zoning category).	166.041(3)(c)2	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Land Development Code - all other Text Amendments	166.041	10 days	10 days	X			X (Standard)

Created: 2022-03-28 14:03:19 [EST]

(Supp. No. 39)

Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	X	X	X	X (Standard)

(Ord. No. 2014-08, § 3, 7-7-2014)



**ADMINISTRATIVE ADJUSTMENT DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2022-L2-AA-01**

PROJECT NAME: 262 Lombardy Avenue

ADDRESS OF PROPERTY: 262 Lombardy Avenue

FOLIO #: 4943 18 07 1940

PROPERTY OWNER: Carol Ficks

APPLICANT: Carol Ficks

APPLICANT ADDRESS: 7 Belgravia Terrace Farmington, CT 06032

REQUEST: Pursuant to Article IV, Division 2 of Chapter 30 of the Town's Code of Ordinances, the Applicant is requesting a Level 2 administrative adjustment to permit the construction of a garage addition that would encroach 0.5 feet into the required side setback for property located at 262 Lombardy Avenue.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on May 10, 2022, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a site plan is hereby approved as shown on the plans submitted by Stanley N Schachne PA, 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 May, 2022

MAYOR CHRIS VINCENT

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

R:\0 Agenda\Commission Agendas 2022\5-10-22\Development Services\Administrative Adjustment (262 Lombardy)\Exhibit 4 -2022-L2-AA-01-262 Lombardy Avenue Development Order 3KK928802.docx



Town Commission Agenda Item Report

Meeting Date: May 10, 2022

Submitted By: Jhanelle Campbell, Acting Development Services Director

Submitting Department: Development Services

Item Type: Quasi Judicial Public Hearings

Agenda Section: QUASI JUDICIAL PUBLIC HEARINGS

Subject Title: 2021-L2-SPM-02 Site Plan Modification 4229 N Ocean Drive (Horizon by the Sea)

Explanation: The Applicant has submitted a Site Plan Modification request (**Exhibit 1**) for the property located at 4229 N Ocean Drive. The request is for a modification to the approved site plan to add ten (10) hotel units to the existing building, for a total of twenty-three (23) hotel units.

The subject property is located at 4229 N Ocean Drive on a 20,277 square foot (0.47 acre) lot. It is zoned RM-25 which allows for hotel and residential uses and has a future land use designation of Medium-High (25) Residential. The property was originally constructed in 1964 as a thirteen-unit multi-family building with the following configuration;

Table 1 – Permitted number of units per 1964 plans

Floor	Hotel Room	1 Bedroom	Two Bedroom	Total
1	1	5	1	7
2	0	5	1	6
Total	1	10	2	13

current owner Krzysztof Poprawski Revocable Living Trust/Maria Poprawski Revocable Living Trust, purchased what they believed to be a twenty-five (25) unit hotel in 2015. During staff's review for their business tax receipt, it was found that the ten (10) 1-bedroom units and the two (2) two-bedroom units had been illegally subdivided into individual hotel units without permits to create twelve (12) additional, unpermitted units for a total of (25) twenty-five units.

Town staff brought this to the owners' attention in an effort to gain compliance with Town Code. Several years have passed since the initial failed Business Tax Receipt inspection. Since the issue was discovered, the property owner's son, who also operated the hotel became very ill and his parents were required to leave retirement to ensure the continuity of the business. In addition, Staff's efforts were redirected to several other projects and priorities over the years. Code compliance efforts were also thwarted by the COVID-19 pandemic. However, the Applicant has now submitted a site plan amendment application so that the Town may review their request to retain ten (10) of the twelve (12) unpermitted units, for a total of twenty-three (23) units. The property is now slated to be sold and the property should not be conveyed to the new owners with the existing violation of the Town Code.

A site plan modification is required when a property expands, and it is required to receive approval from the Town Commission when the use presents an increase in density. A detailed explanation of the subject project is provided in the attached Planning and Zoning Board staff report (**Exhibit 2**).

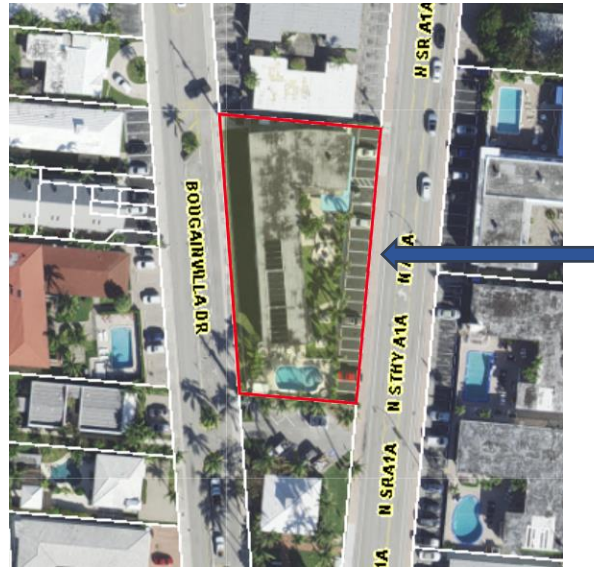


Figure 1- Property Location

Parking is one aspect of the site plan process that is affected when an increase in density occurs. Section 30-318(m) of the Town Code sets forth parking requirements for hotels, requiring one parking space for each unit. The original permitted plan includes twenty-five (25) parking spaces for originally permitted thirteen (13) units. The reconfiguration of parking spaces to meet the current code will result in the reduction of the spaces to 21. The 2 remaining spaces will be made up through the provision of bicycle racks and bicycles. The Applicant shall provide four bicycles and a bicycle rack for use by guests per the Town Code.

Staff sent the required notices to the surrounding public and received no comments in response to the application. The property was properly posted, and the notice was placed on the Town's website and sent to property owners within 300 feet of the subject property. A Citizen Participation meeting was also held on March 15, 2021. The meeting summary is attached as **Exhibit 3**.

The Planning and Zoning Board reviewed the application at its April 27, 2022 meeting and voted to support staff's recommendation that the request be approved with the following conditions:

1. The Applicant shall not rent more than the legally permitted thirteen units, in the configuration shown on Sheets 3 of 5 and 4 of 5 of the 1964 plans, until the work is completed, a Certificate of occupancy is received for the 23 units, and a Business Tax Receipt is obtained.
2. The Applicant shall provide four bicycles and a bicycle rack for use by guests. Bicycles shall be maintained in good, rust-free, operational, and safe condition.
3. The Applicant shall secure a building permit, as defined in Section 30-121 (e) of the Town Code, for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18)

months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.

4. All construction shall be in accordance with the plans, incorporated into the approved Development Order as Exhibit 1, which are listed in this report and in accordance with all modifications and conditions approved by the Town Commission. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.
5. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
6. 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 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.
7. All applicable state and federal permits shall be obtained before commencement of construction.

Recommendation: The Planning and Zoning Board recommends that the Commission approve the Site Plan Modification Development Order (**Exhibit 4**)

Attachments:

- Ex. 1 Application & Plans
- Ex. 2 Planning & Zoning Staff Report
- Ex. 3 Citizen Participation Summary
- Ex. 4 Site Plan Modification Development Order

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: 2021-L2-SPM-02

BTR #: _____

Date Application Submitted: 11/19/21

Date Application found Completed: 1/15/22

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$450.00

Cost Recovery Fee: \$1,000.00

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

Check appropriate application and block:

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

Project Name: HORIZON BY THE SEA INN

Folio Numbers: 4943 18 01 4050

Street Address: 4229 N OCEAN DRIVE, LAUDERDALE BY THE SEA

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 1, 2, 3, 4 BLK 30

Name of Property Owner: Krzysztof Poprawski REV LIV TR ^{MARIA} ^{CHRIS} Property Owner's Phone #: 954-270-8255; 954-894-7991

Address of Property Owner: 3241 CANAL Drive; Pompano Beach 33062

Property Owner's Email Address: MARIA POPRAWSKI @ GMAIL.COM

Name of Applicant: Krzysztof Poprawski Applicant's Phone #: 954-894-7991

Applicant's Address: 3241 Canal Drive; Pompano Beach 33062

Applicant Email Address: MARIA POPRAWSKI @ GMAIL.COM

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

Agent's Email Address: _____ Agent's Phone #: _____

Agent's Address: _____

Land Use Plan Designation: _____ Zoning District: _____

Existing Use of the Subject Property: _____

Proposed Use of the Subject Property: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: MARIA & KRZYSZTOF POPRAWSKI Date: 11/19/21

Signature of Property Owner: Maria Poprawski / Krzysztof Poprawski

State of Florida: _____

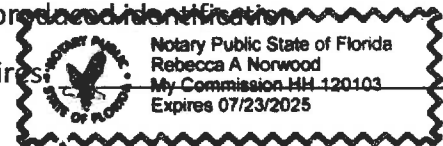
County: _____

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 19 of November, 2021.

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

Print Notary Name: Rebecca Norwood My Commission Expires: _____

Notary Signature: Rebecca Norwood



Applicant

Print Name of Property Owner: MARIA & KRZYSZTOF POPRAWSKI Date: 11/19/21

Signature of Property Owner: Maria Poprawski / Krzysztof Poprawski

State of Florida: _____

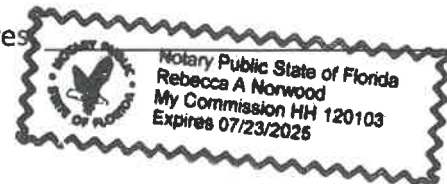
County: _____

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 19 of November, 2021.

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

Print Notary Name: Rebecca Norwood My Commission Expires: _____

Notary Signature: Rebecca Norwood



SECTION B: SITE PLAN PROJECT CHARACTERISTICSIs this a modification to a previously approved site plan? ____ Yes or ☒ No

If yes, please provide the date and application number of the previous approval: _____

Existing Future Land Use Plan Designation: _____ Existing Zoning Classification: _____

Existing Use of property (if vacant, state vacant): _____

Number of units are existing (residential/motel/hotel): _____ The date last occupied: _____

Will any units be demolished: _____ Number of units to remain: _____

SECTION C: PROPOSED DEVELOPMENT: COMPLETE FOR RESIDENTIAL PROJECTS

UNIT TYPE	NUMBER OF UNITS		PLOT SIZE	DENSITY	
	Existing	Proposed		Existing	Proposed
Single-Family					
Duplex					
Townhouse					
Multi-family					
Hotel/Motel Unit with kitchen	12	0	20,277	28.00	53.8
Hotel/Motel Unit without kitchen	1	25	20,277		

SECTION D: PROPOSED DEVELOPMENT: COMPLETE FOR NON-RESIDENTIAL PROJECTS

LAND USE TYPE	GROSS FLOOR AREA		PLOT SIZE	NUMBER OF STORIES
	Existing	Proposed		
Commercial				
Office				
Restaurant				
Medical				
Other Uses				
Accessory Uses				

SECTION E: SPECIFICATIONS FOR SITE PLAN

Note: If the original site plan was not completed to the required specifications, please schedule a meeting with the Development Services Staff. Depending on the request, the following information may be requested:

- Detail Sheet
- Floor Plans
- Building Elevations
- Renderings or perspectives of proposed development
- Landscape Plans
- Parking
- Survey that identifies the following:
 - Distance of structure from property line
 - Distance between structures
 - Property lines
 - Existing setbacks
 - Easements
 - Adjacent Right-of-Way

Need assistance or clarification?

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

	DRAWING ID LETTER NUMBER
	SCALE
	DRAWING NUMBER
	BUILDING ELEVATION NUMBER
	DRAWING NUMBER
	BUILDING OR WALL SECTION LETTER
	DRAWING NUMBER
	DETAIL NUMBER
	DRAWING NUMBER
	INTERIOR ELEVATION NUMBER
	DRAWING NUMBER
	DOOR MARK
	DOOR ID NUMBER
	FLOOR ELEVATION DATUM

	EARTH FILL
	GRAVEL FILL
	CONCRETE (LARGE SCALE)
	SAND, PLASTER OR GROUT
	CONCRETE MASONRY UNIT
	BATT INSULATION
	RIGID BOARD INSULATION
	PLYWOOD
	WOOD, FINISHED
	WOOD, ROUGH
	STEEL
	GYPSON WALLBOARD

SHALL COMPLY WITH FBC 116. TERMITTE PROTECTION SHALL BE PROVIDED BY REGISTERED TERMITIDES, INCLUDING SOIL APPLIED PESTICIDES BAITING AND PESTICIDES APPLIED TO WOOD OR OTHER APPROVED METHOD OF TERMITTE PROTECTION. UPON COMPLETION OF THE APPLICATION OF THE TERMITTE PROTECTION TREATMENT, A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY THAT CONTAINS THE FOLLOWING STATEMENT: 'THE BUILDING HAS RECEIVED A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH THE RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMERS SERVICES.'

1. THE GENERAL CONTRACTOR SHALL TAKE MEASURES TO DELIVER TO THE OWNER A CONTINUOUS WATER TIGHT BUILDING ENVELOPE WHICH WILL PROVIDE A SOLID SHEATH TO WATER ENTRY.
2. PROVIDE WEEPS AT MASONRY SYSTEM WHICH MAY COLLECT MOISTURE.
3. PROVIDE NECESSARY SITE WORK TO MOVE WATER AWAY FROM THE BUILDING DURING CONSTRUCTION.
4. GENERAL CONTRACTOR SHALL COMPLETE AND SEAL THE BUILDING ENVELOPE PRIOR TO INSTALLING WALL FINISHES. IN ANY EVENT, THE GENERAL CONTRACTOR SHALL PROVIDE A PROTECTIVE WATER BARRIER.
5. THE CONTRACTOR SHALL ESTABLISH PROCEDURES TO PROVIDE DELIVER AND STORE MATERIALS SO AS TO PREVENT WATER DAMAGE. ALL MATERIALS SHALL BE INSPECTED FOR WATER DAMAGE PRIOR TO ACCEPTING DELIVERY.
6. THE CONTRACTOR SHALL TAKE REASONABLE STEPS TO MAINTAIN EFFECTIVE DRY-IN CONDITIONS DURING THE "CONTROLLED" PHASE OF CONSTRUCTION.
7. THE CONTRACTOR SHALL ENSURE THAT ALL SURFACES ARE DRY AND UNEXPOSED TO SOURCES OF HUMIDITY PRIOR TO COVERING THEM WITH FINISH MATERIALS.
8. THE CONTRACTOR SHALL ESTABLISH A PROTOCOL FOR DEALING WITH ANY LARGE AND UNEXPECTED WATER INTRUSION INTO COMPLETED PORTIONS OF THE BUILDING.
9. UPON COMPLETION OF CONSTRUCTION, THE GENERAL CONTRACTOR SHALL DELIVER TO THE OWNER ALL AVAILABLE MATERIAL, INCLUDING BUT NOT LIMITED TO MANUFACTURER'S RECOMMENDATION SO AS TO FACILITATE THE DEVELOPMENT OF A BUILDING OPERATIONS AND MAINTENANCE PLAN.

LOCATION MAP

Scale: N.T.S.

CONTRACTOR SHALL COMPLY WITH ALL CURRENT APPLICABLE LOCAL, STATE AND FEDERAL BUILDING CODES, INCLUDING BUT NOT LIMITED TO: F.B.C. (FLORIDA BUILDING CODE), F.B.C.R BUILDING CODE, F.B.C.E. (FLORIDA ELECTRICAL BUILDING CODE EXISTING BUILDINGS) N.F.P.A. (NATIONAL FIRE PROTECTION ADMINISTRATION), A.C.G.C. (FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION), A.O.A. (AMERICANS WITH DISABILITIES ACT), & N.E.C. (NATIONAL ELECTRICAL CODE). PERMIT SHALL BE POSTED ON A VISIBLE PLACE AT ALL TIMES.

2. ALL WORK, MATERIALS AND EQUIPMENT UTILIZED IN THIS PROJECT SHALL BE SUPPLIED & INSTALLED BY THE CONTRACTOR, SUBCONTRACTORS & SUB-SUBCONTRACTORS IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.

3. ALL WORK FOR THIS PROJECT SHALL CONFORM TO STANDARDS PUBLISHED BY RECOGNIZED PROFESSIONAL AND INDUSTRY ORGANIZATIONS.

4. CONTRACTOR TO OBTAIN WRITTEN APPROVAL FROM OWNER OR ARCHITECT PRIOR TO ANY CHANGES OR DEVIATION FROM CONTRACT DOCUMENTS.

5. UNDER NO CIRCUMSTANCES WILL ASSUMPTIONS BY THE CONTRACTOR BE CONSIDERED FOR THE DESIGN INTENT OR APPROVAL OF THE ARCHITECT OR ENGINEER UNLESS THERE IS WRITTEN APPROVAL BY THEM.

6. CONTRACTOR IS RESPONSIBLE FOR VISITING THE SITE DURING THE BIDDING PERIOD AND VERIFY THAT THE CONDITIONS ARE AS DESCRIBED IN THE DOCUMENTS. DISCREPANCIES ARE TO BE NOTED IN WRITING, AND NOTIFY ARCHITECT / ENGINEERS. CONTRACTOR ACCEPTS CONDITIONS AS THEY ARE ON THE SITE AND MUST PROVIDE SYSTEMS AND WORK AS DESCRIBED IN THE CONTRACT DOCUMENTS AT NO ADDITIONAL COST TO THE OWNER.

7. CONTRACTOR IS RESPONSIBLE FOR INCLUDING IN HIS BID, LABOR AND MATERIAL COSTS FOR ANY CHANGE OR ALTERATION OF ADJACENT AREAS TO BE DISTURBED DURING CONSTRUCTION SUCH AS, BUT NOT LIMITED TO LIGHTING, MECHANICAL, ELECTRICAL, PLUMBING, FIRE ALARMS/ SPRINKLERS, PHONE, DATA, PAVING SIDEWALKS, STREETS, EXISTING TREES AND LANDSCAPING AND TO INSURE THEIR PROPER USE OPERATION AND RETURN THEM TO THEIR ORIGINAL FINISHED CONDITION.

8. CONTRACTOR TO SUBMIT A MINIMUM OF FIVE (3) SETS OF COMPLETE SHOP DRAWINGS OR SUBMITTALS FOR APPROVAL BEFORE COMMENCING FABRICATION AND/OR INSTALLATION OF ALL MAJOR ITEMS OF CONSTRUCTION. ALL SHOP DRAWING DIMENSIONS SHALL BE FIELD VERIFIED, REVIEWED AND APPROVED BY THE CONTRACTOR BEFORE SUBMITTAL, AND SO NOTED. INCOMPLETE SHOP DRAWINGS OR SHOP DRAWINGS LACKING SUFFICIENT INFORMATION WILL BE REVISED WITHOUT REFUND. NO FINAL REVIEW BY ARCHITECT OR ENGINEER REQUIRED BY SUBMITTAL NOT EVALUATED AND APPROVED BY CONTRACTOR SHALL BE PAID FOR BY THE CONTRACTOR ON HOURLY RATES ESTABLISHED IN ARCHITECTS CONTRACT FOR SERVICES FOR THIS PROJECT.

9. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS AND USE ALL APPROPRIATE CONSTRUCTION METHODS / TECHNIQUES TO PROTECT EXISTING UTILITIES AND OTHER PROPERTY NOT NOTED FOR REMOVAL. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES INCURRED DURING CONSTRUCTION AND SHALL REPAIR ANY DAMAGES AT NO EXPENSE TO THE OWNER.

10. THE GENERAL CONTRACTOR SHALL OBTAIN CLARIFICATION IF A DISCREPANCY BETWEEN THE ARCHITECT'S & ENGINEER'S DRAWINGS IS FOUND DURING THE BIDDING PERIOD. THE DISCREPANCY IS NOT BROUGHT TO THE ARCHITECTS ATTENTION IT SHALL BE ASSUMED THE GENERAL CONTRACTOR BID ON THE MOST EXPENSIVE WAY AND WILL DO THE WORK AS PER THE DIRECTION OF THE OWNER / ARCHITECT AT NO ADDITIONAL COST TO THE OWNER.

11. DIMENSIONS PROVIDED ARE NOMINAL NOT ACTUAL. THEY TAKE AS A BASIS EXISTING WALLS. GENERAL CONTRACTOR SHALL NOTIFY ARCHITECT IN WRITING OF ANY DISCREPANCIES BETWEEN THE CONTRACT DOCUMENTS & EXISTING CONDITIONS. ANY CORRECTIONS TO CONSTRUCTION AND SHALL NOT PROCEED WITH THE WORK UNTIL CLARIFICATION BY THE ARCHITECT HAS BEEN MADE. IF THE CONTRACTOR PROCEEDS, HE DOES SO AT HIS OWN RISK AND IS RESPONSIBLE FOR ALL EXPENSES INCURRED IF THE OWNER/ ARCHITECT DETERMINES ANY WORK DOES NOT COMPLY WITH THE CONTRACT DOCUMENTS/ PERMIT DRAWINGS AND THE WORK HAS TO BE RE-DONE.

12. ACTUAL FIELD CONDITIONS MAY BE DIFFERENT OR VARY SLIGHTLY FROM THAT AS SHOWN ON THE FOLLOWING PLANS. GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE OWNER/ ARCHITECT OF DISCREPANCIES FOUND IN THE FIELD THAT WILL CONFLICT WITH THE INSTALLATION OF ALL NEW CONSTRUCTION MATERIALS, SYSTEMS & COMPONENTS REQUIRED TO COMPLETE THIS PROJECT.

13. ABBREVIATIONS THROUGHOUT THE PLANS ARE THOSE IN COMMON USE. ARCHITECT WILL DEFINE INTENT OF ANY IN QUESTION.

14. CONSTRUCTION PERSONNEL SHALL BE CONFINED TO THE LIMITS OF THE CONSTRUCTION AREA. ALL OSHA REGULATIONS FOR CONSTRUCTION AREAS SHALL BE STRICTLY FOLLOWED.

15. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY NECESSARY DEMOLITION WORK, DEMOLITION MATERIAL TESTING FOR HAZARDOUS MATERIALS & EXERCISE CARE DURING DEMOLITION AND REMOVAL TO ASSURE THAT ITEMS SCHEDULED FOR DEMOLITION ARE PROPERLY REMOVED AND ITEMS TO REMAIN ARE PROTECTED FROM DAMAGE.

16. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY TEMPORARY BARRIERS, LIGHTING, COVERINGS, FIRE PREVENTION AND OTHER EQUIPMENT TO PROTECT THE SAFETY OF ALL PERSONS AND THE PROPERTY THROUGHOUT THE ENTIRE PERIOD OF THE CONSTRUCTION CONTRACT.

17. GENERAL CONTRACTOR IS TO PROTECT EXISTING ADJACENT AREAS TO WHERE WORK IS TO BE PERFORMED, ANY EXISTING WALLS, DOORS, MILLWORK, CARPETING, BASE BOARDS AND EQUIPMENT DAMAGED DUE TO WORK PERFORMED SHALL BE REPAIRED/ REPLACED AT NO ADDITIONAL COST TO THE OWNER AND TO MATCH EXISTING.

18. GENERAL CONTRACTOR SHALL PREPARE AND MAINTAIN ALL CONSTRUCTION AREAS, AS WELL AS SURROUNDING AREAS FREE OF DEBRIS OR HAZARDOUS EQUIPMENT.

19. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL DEBRIS AND CONSTRUCTION MATERIAL FROM THE SITE. CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR PROPERLY CLEANING ALL AREAS PRIOR TO FINAL ACCEPTANCE BY THE OWNER INCLUDING BUT NOT LIMITED TO WINDOWS, STOREFRONT, FLOORS CARPETS, WALLS, DOORS, ETC.

20. ALL ITEMS USED IN CONSTRUCTION, BUT NOT SPECIFICALLY MENTIONED HEREIN, SHALL CONFORM TO ALL LOCAL CODES AND STATE ORDINANCES AS TO APPLICATION AND USE.

21. GENERAL CONTRACTOR TO PROVIDE INSULATION OR ISOLATION BARRIERS BETWEEN ALL DISSIMILAR METAL INCLUDING BUT NOT LIMITED TO MATERIALS CONTAINING CEMENTS OR CONCRETE AND METAL.

22. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS TO COMPLETE THE PROJECT.

23. GENERAL CONTRACTOR SHALL REVIEW ALL EXISTING BUILDING SYSTEMS AS TO THEIR COMPLIANCE WITH ALL LOCAL GOVERNING AGENCY REQUIREMENTS AND BRING ANY NON-CONFORMING ITEMS TO ARCHITECTS AND ENGINEER'S ATTENTION.

24. DRAWINGS ARE SCHEMATIC SHOWING RELATIVE LOCATIONS AND CONNECTIONS AND SHALL NOT BE SCALED AT ANY TIME.

25. ALL DIMENSIONS ARE BASED ON NOMINAL SIZES OF MEMBERS AND ARE GIVEN TO THE OUTER FACE OF SUCH MEMBERS, NOT TO FACE OF FINISH MATERIAL UNLESS OTHERWISE NOTED ON DRAWINGS. DRAWINGS ARE NOT TO BE SCALED. DIMENSIONS SHALL BE FOLLOWED.

26. ALL WOOD BLOCKING WITHIN BUILDING STRUCTURES, SHALL BE FIRE-RETARDANT TREATED AS PER CURRENT FBC CODE REQUIREMENTS.

27. G.C. IS RESPONSIBLE FOR ALL SAFETY CONDITIONS RELATING TO JOB DEMOLITION ACTIVITIES.

28. NO TOXIC OR COMBUSTIBLE MATERIALS TO BE USED INSIDE BUILDING.

29. NO NEW UTILITIES SHALL BE INSTALLED UNDER THIS PERMIT.

30. STORE MATERIALS TO BE SALVAGED IN A SAFE AND APPROVED LOCATION.

31. THE GENERAL CONTRACTOR SHALL BE AWARE THAT SPECIFIC FIRE RATED SEPARATIONS WITHIN THE BUILDINGS CONSTRUCTION ARE REQUIRED BY CODE. THE USE OF SPECIFIC MATERIALS AND COMBINATIONS OF MATERIALS WITHIN FIRE RATED ASSEMBLIES AS CALLED FOR ON THE DRAWINGS ARE FOR THE PURPOSE OF ACHIEVING THOSE REQUIRED FIRE SEPARATIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT CHANGE IN MATERIALS THAT ARE REQUESTED BY OR MADE BY THE CONTRACTOR AND/OR ITS SUBCONTRACTORS, FROM THOSE MATERIALS DRAWN OR SPECIFIED, DOES NOT IN ANY WAY AFFECT OR LESSEN THE REQUIRED FIRE RATED CONSTRUCTION OR ASSEMBLY.

32. ALL INTERIOR GYPSEUM WALL BOARD SHALL BE 1/2" OR 5/8" FASTENED TO METAL STUDS OR FURRING CHANNELS UNLESS OTHERWISE NOTED, SIZES AS DIMENSIONED ON FLOOR PLANS & SHALL MATCH AT EXISTING CONDITIONS. GENERAL CONTRACTOR SHALL PROVIDE WATER RESISTANT GLASS MAT AT ALL WET LOCATIONS WITH NO EXCEPTIONS.

33. FOR ALL WALL PENETRATIONS, MODIFICATIONS OR CUTTING, GENERAL CONTRACTOR IS RESPONSIBLE FOR MAINTAINING OR IMMEDIATELY RESTORING/ MATCHING EXISTING/ NEW FIRE/SMOKE RATED CONSTRUCTION, FIRE RATINGS, WATERPROOFING & VAPOR BARRIER CONDITIONS.

34. STEEL STUDS SUPPORTING WALL HUNG ITEMS SHALL BE NOT LESS THAN 20 GAUGE WITH A MINIMUM EFFECTIVE MOMENT OF INERTIA EQUAL TO 0.864 IN.

35. THE GENERAL CONTRACTOR SHALL REPAIR/ REPLACE & MATCH ALL EXISTING FINISHES ON BOTH SIDES OF EXISTING & NEW WALLS TO INCLUDE AREAS DISTURBED DURING CONSTRUCTION ACTIVITIES, TYPICAL.

36. GENERAL CONTRACTOR SHALL PAINT ALL DISTURBED SURFACES, VERIFY AND COORDINATE COLORS WITH OWNER AND ARCHITECT.

37. ALL INTERIOR AND EXTERIOR JOINTS BETWEEN DISSIMILAR MATERIALS OR FINISHES SHALL RECEIVE A BEAD OF CAULKING TO MATCH COLOR OF ADJACENT SURFACE. G.C. TO COORDINATE COLORS WITH ARCHITECT/OOWNER.

38. A SEPARATE PERMIT AND PRODUCT CONTROL APPROVAL, WHEN APPLICABLE, IS REQUIRED TO INCLUDE BUT NOT LIMITED TO THE FOLLOWING:

STRUCTURAL GLAZING	CURTAIN WALLS	SIGNS/BUILDING SIGNS	FENCES	AWNINGS
WINDOWS	STOREFRONTS	VENTILATION	ROOFING	DEMOLITION
STEEL JOISTS	WOOD TRUSSES	PRECAST SYSTEMS	DOORS	HURRICANE SHUTTERS
MULLIONS	HAND RAILS	PAVERS		

39. ALL STEEL SHALL BE PERFORMED DURING REGULAR WORKING HOURS ON REGULAR WORKING DAYS, OR AS REQUIRED BY OWNER THE G.C. SHALL BE RESPONSIBLE FOR OVERALL COORDINATION WITH ALL SUBS WHETHER UNDER CONTRACT TO HIM OR TO THE OWNER.

40. ALL LIGHT GAUGE STEEL FRAMING SHALL MEET ALL A.S.T.M STANDARDS & REQUIREMENTS. TYPICAL LIGHT GAUGE STEEL FRAMING THICKNESS & FASTENER REQUIREMENTS SHALL BE AS FOLLOWS:

40.1. ALL NEW GALVANIZED STEEL FRAMING MEMBERS SHALL BE 20 GAUGE MIN. U.O.N.

40.2. TRACK TO CONC. SLAB= (2) 1/4" Ø X 1.75" MIN. EMBED TAPCONS @ 12" O.C., TYP.

40.3. TRACK TO EXIST' / NEW STUDS= (2) #10 SELF DRILLING & TAPPING SCREWS 1-1/2" LONG, TYP.

40.4. TRACK TO NEW STUDS= (2) #10 SELF DRILLING & TAPPING SCREWS 1/2" LONG, TYP.

40.5. TRACK TO STUD FLANGE= (1) #10 SELF DRILLING & TAPPING SCREWS 1/2" LONG, EACH FLANGE, TYP.

40.6. 1" X 1" MIN. CONTINUOUS EDGE ANGLE TO FRAMING = (1) #10 SELF DRILLING & TAPPING SCREWS 1/2" LONG, EACH FLANGE, TYP.

40.7. FURRING CHANNEL TO STUDS= (2) #10 SELF DRILLING & TAPPING SCREWS 1/2" (1-1/2" FOR S.W.B.) LONG, EACH FLANGE, TOP & BOTTOM OF FURRING CHANNEL, TYP.

40.8. FURRING CHANNEL TO CONC. SLAB= (2) 1/4" Ø X 1.75" MIN. EMBED TAPCONS @ 12" O.C., TYP.

TO THE BEST OF OUR KNOWLEDGE THESE PLANS COMPLY WITH THE MINIMUM STANDARDS OF THE FLORIDA BUILDING CODE, 7TH EDITION.

		No.	DESCRIPTION	DATE					
			PERMIT SET	11/29/21					
ARCHITECTURAL DRAWINGS									
A000	COVER SHEET		*						
A001	GENERAL NOTES		*						
A100	SITE PLAN		*						
A201	PROPOSED FLOOR PLAN - LEVEL 1		*						
A202	PROPOSED FLOOR PLAN - LEVEL 2		*						
A600	ADA SPECIFICATIONS		*						
ELECTRICAL DRAWINGS									
E101	ELECTRICAL PLAN		*						
PLUMBING DRAWINGS									
P101	PLUMBING PLAN		*						

- FBC-RESIDENTIAL, 7TH EDITION
- FBC-EXISTING BUILDING, 7TH EDITION
- FBC-PLUMBING, 7TH EDITION
- FBC-MECHANICAL, 7TH EDITION
- FBC-FUEL GAS, 7TH EDITION
- FLORIDA FIRE PREVENTION CODE, 7TH EDITION
- NFPA 70, NATIONAL ELECTRICAL CODE, 2017

DERM REQUIREMENTS:

AS PER 40 CFR 61, SUBPART M, SECTION 145(a) NESHAP, AN ASBESTOS SURVEY IS REQUIRED FOR PROJECTS EQUAL TO OR GREATER THAN 160SF. AS PER THE SCOPE OF WORK & PLANS, AN ASBESTOS SURVEY IS REQUIRED TO BE PERFORMED FOR ALL AREAS WITHIN THIS SCOPE OF WORK.

ASBESTOS ABATEMENT - CONTRACTOR/SUBCONTRACTOR SHALL USE A PROPERLY LICENSED COMPANY TO PERFORM ASBESTOS ABATEMENT AND A REPORT NEEDS TO BE PROVIDED WHICH INCLUDES: EXECUTIVE SUMMARY, ASBESTOS RENOVATION APPLICATION, AIR MONITORING RESULTS, ASBESTOS WASTE SHIPMENT RECORD/MANIFEST.

OTHER HAZARDOUS MATERIALS FOUND:

ANY HAZARDOUS MATERIALS FOUND SHALL BE ABATED AS PER DERM OR OTHER LOCAL APPLICABLE CODE REQUIREMENTS FOR THE REMOVAL OF HAZARDOUS MATERIALS WITHOUT ANY EXCEPTIONS.

THE EXTENT OF THE SELECTIVE REMODEL OF THE EXISTING HOTEL SHALL CONSIST OF THE FOLLOWING:

- **EXISTING BUILDING FOOTPRINT TO REMAIN (NO EXTERIOR WORK UNDER THIS PERMIT)**
- REPLACE EXISTING INTERIOR DOORS AT CONNECTING ROOMS WITH 20 MIN. DOORS.
- RELOCATE SINK IN ADA BATHROOM TO PROVIDE REQUIRED FLOOR CLEARANCE AT WATERCLOSET.
- PROVIDE ONE BIKE RACK.

	AREA
DOORS	30 SQ. FT.
BIKE RACK	10 SQ. FT.
ADA BATHROM	40 SQ. FT.
TOTAL AREA OF WORK	80 SQ. FT.

PER FBC EXISTING BUILDING SECT. 503 - LEVEL 2 ALTERATIONS INCLUDE THE RECONFIGURATION OF SPACE, THE ADDITION OR ELIMINATION OF ANY DOOR OR WINDOW, THE RECONFIGURATION OR EXTENSION OF ANY SYSTEM, OR THE INSTALLATION OF ANY ADDITIONAL EQUIPMENT.

Design
Planning
Architecture

PO BOX 971429
MIAMI, FL 33197
www.thefluxarchitects.com
P: 305.707.8288

Seal of Project Architect

© WRITTEN CONSENT OF THE ARCHITECT. © FELIX ARCHITECTS LLC

Consultants:

MECH, ELECT, PLUMB ENGINEER:
RM2 ENGINEERING & DESIGN, LLC
 3389 SHERIDAN STREET, #530
 HOLLYWOOD, FL 33021
 PH: 786-519-2985
 EMAIL: info@rm2eng.com

Project Owner:

MARIA POPRAWSKI
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project Address:

4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

21098

Sheet Name:
GENERAL NOTES

Sheet Origin Date:

11/16/2021

Sheet Issue Date:

Revisions:

[illegible]

Submittal Type

PERMIT SET 100%

Drawn E

EG

LC
21

Checke
FC

EG

Scale:

AS

AS

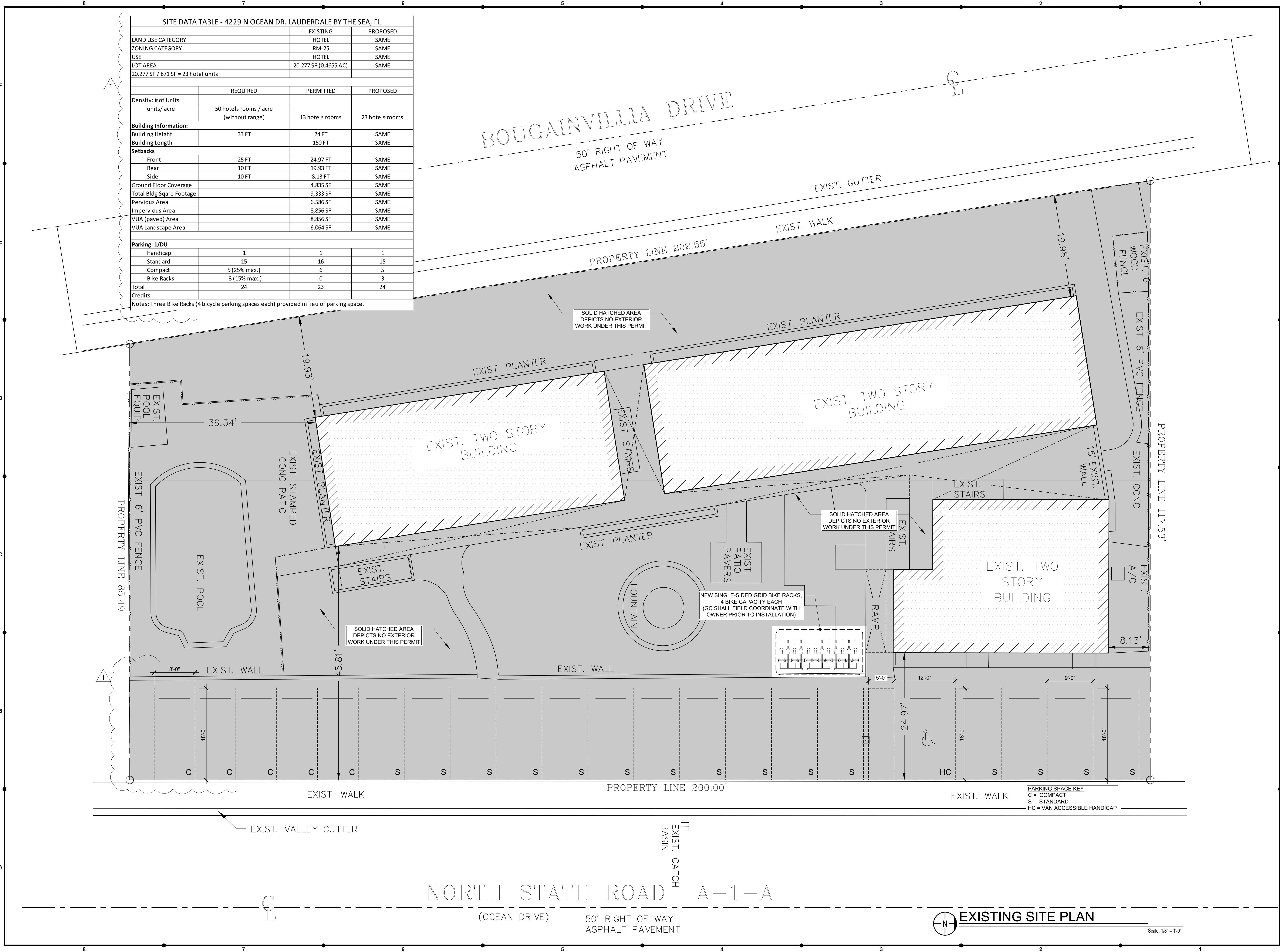
Sheet N

A

A

1

7



SITE DATA TABLE - 4229 N OCEAN DR. LAUDERDALE BY THE SEA, FL			
		EXISTING	PROPOSED
LAND USE CATEGORY		HOTEL	SAME
ZONING CATEGORY		RM-25	SAME
USE		HOTEL	SAME
LOT AREA		20,277 SF (0.4655 AC)	SAME
20,277 SF / 871 SF = 23 hotel units			
		REQUIRED	PERMITTED
Density: # of Units			
units/ acre		50 hotels rooms / acre (without range)	13 hotels rooms
23 hotels rooms			
Building Information:			
Building Height		33 FT	24 FT
Building Length			150 FT
Setbacks:			
Front		25 FT	24.97 FT
Rear		10 FT	19.93 FT
Side		10 FT	8.13 FT
Ground Floor Coverage			4,835 SF
Total Bldg Square Footage			9,333 SF
Pervious Area			6,586 SF
Impervious Area			8,856 SF
VUA (paved) Area			8,856 SF
VUA Landscape Area			6,064 SF
Parking: 1/DU			
Handicap		1	1
Standard		15	15
Compact		5 (25% max.)	6
Bike Racks		3 (15% max.)	3
Total		24	23
Credits			24
Notes: Three Bike Racks (4 bicycle parking spaces each) provided in lieu of parking space.			



Design
Planning
Architecture
PO BOX 971429
MIAMI, FL 33197
www.thefluxarchitects.com
P: 305.707.8288

Seal of Project Architect

Eddie Seymour - AR95062

Consultants:

Mech. Elect. Plumb Engineer:
RM2 ENGINEERING & DESIGN, LLC
3389 SHERIDAN STREET, #530
HOLLYWOOD, FL 33021
PH: 786-519-2985
EMAIL: info@rm2eng.com

Project Owner:
MARIA POPRAWSKI
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project:
HORIZON BY THE SEA

Project Address:
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project Number:
21098

Sheet Name:
SITE PLAN

Sheet Origin Date:
10/8/2021

Sheet Issue Date:
1/12/2021

Revisions:

No.	Description	Date
01	ZONING COMMENTS	12/15/2021

Submittal Type:
PERMIT SET 100%

Drawn By:
EG

Checked By:
EG

Scale:
AS NOTED

Sheet Number:
A100

THIS PAGE IS A SUMMARY OF THE GENERAL NOTES OF THIS PROJECT. THE CONTRACTOR SHALL REVIEW ALL DIMENSIONS OF THE AS-BUILT AND SHALL BE RESPONSIBLE FOR THE PROPORTIONED. OTHERWISE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPORTIONED. OTHERWISE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPORTIONED.

Scale: 1/8" = 1'-0"

NOTE:
1. BLOCKING SHALL BE SECURELY FASTENED TO NOT LESS THAN TWO STUDS.
2. BLOCKING FOR FUTURE GRAB BARS SHALL RESIST A MAX OF 500 LBS OF FORCE IN ANY DIRECTION.

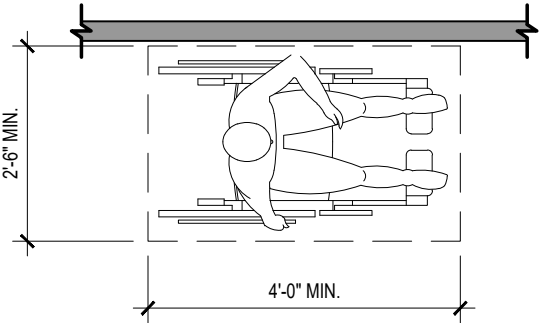
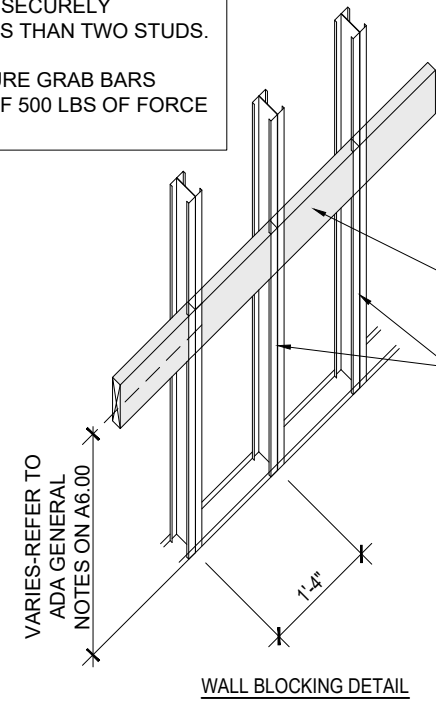


FIGURE 305.5
PARALLEL APPROACH TO AN ELEVATOR

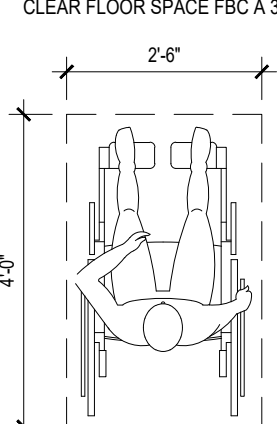


FIGURE 305.3
MANEUVERING CLEARANCE IN ALCOVE, FORWARD
APPROACH AS PER FBC A 305.7.1

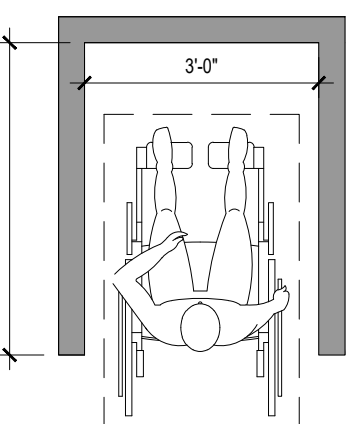


FIGURE 305.7.1

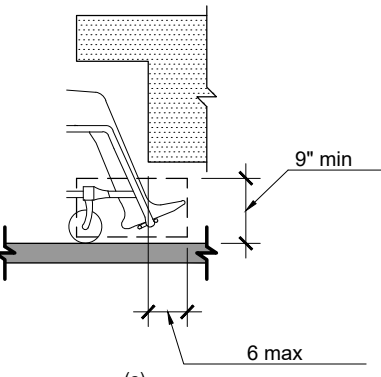


FIGURE 306.2 TOE CLEARANCE

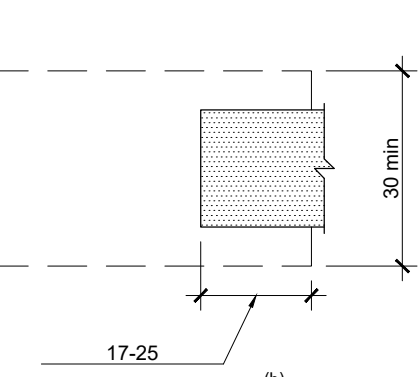


FIGURE 306.3 KNEE CLEARANCE

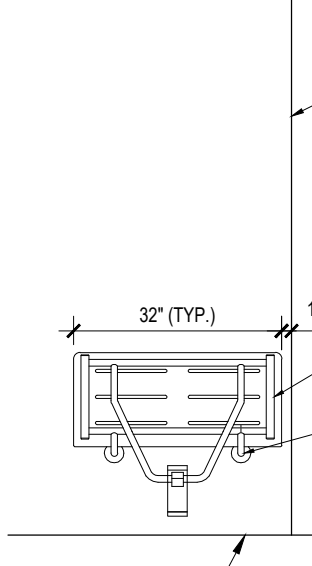
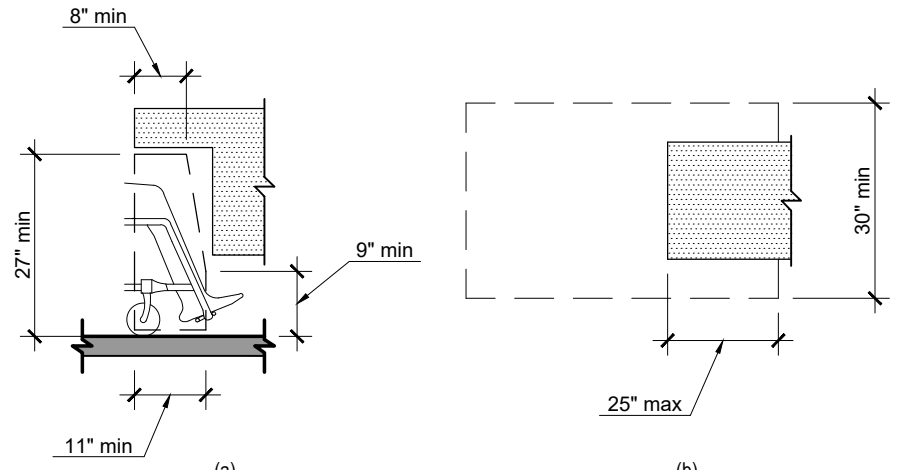


FIGURE 306.3 KNEE CLEARANCE

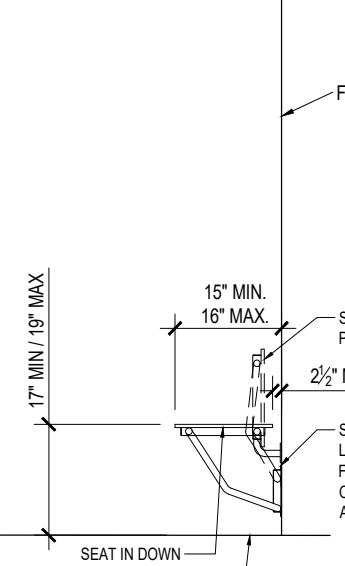


FIGURE 306.3 KNEE CLEARANCE

NOTE: IN ALL HANDICAP ACCESSIBLE TOILETS ROOMS/STALLS, THE FLUSH VALVE HANDLE MUST BE LOCATED ON THE ACCESS SIDE (NOT THE WALL SIDE).

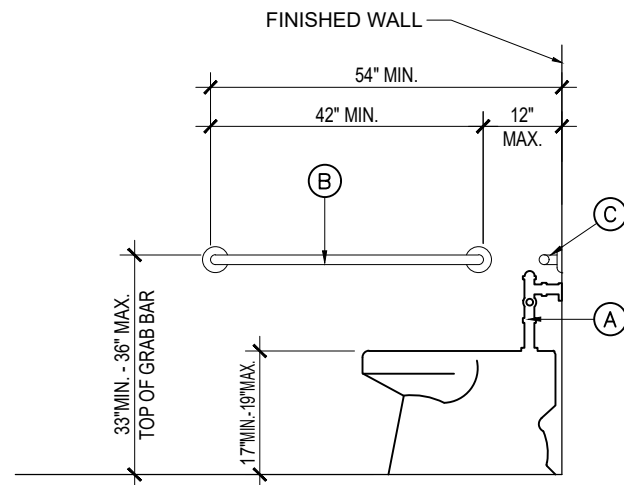


FIGURE 604.3 SIZE OF CLEARANCE AT WATER CLOSETS

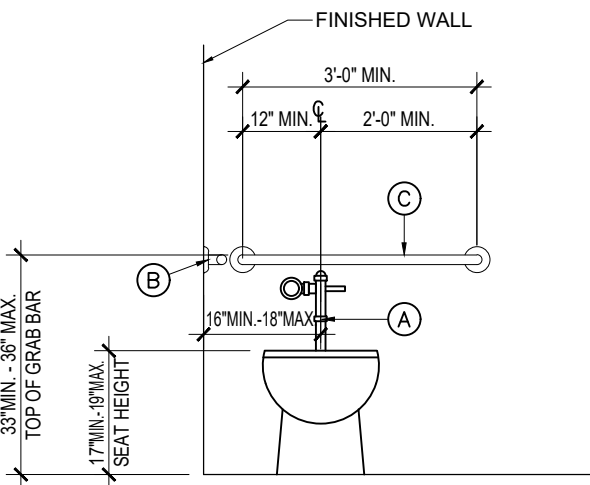


FIGURE 604.3 SIZE OF CLEARANCE AT WATER CLOSETS

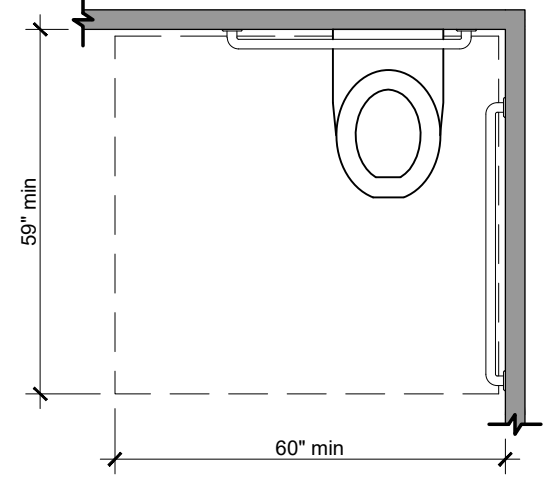


FIGURE 604.3 SIZE OF CLEARANCE AT WATER CLOSETS

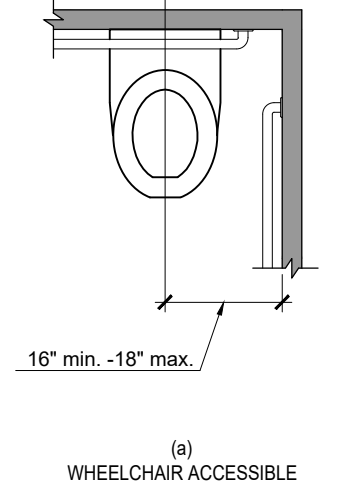


FIGURE 604.3 SIZE OF CLEARANCE AT WATER CLOSETS

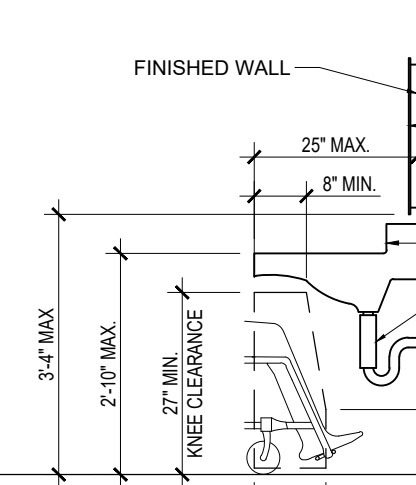


FIGURE 604.3 SIZE OF CLEARANCE AT WATER CLOSETS

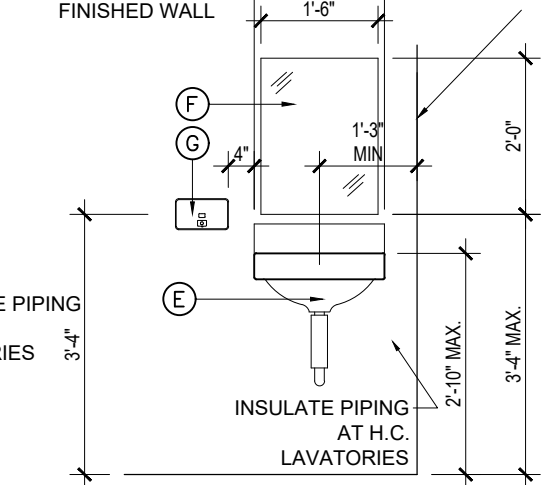


FIGURE 604.3 SIZE OF CLEARANCE AT WATER CLOSETS

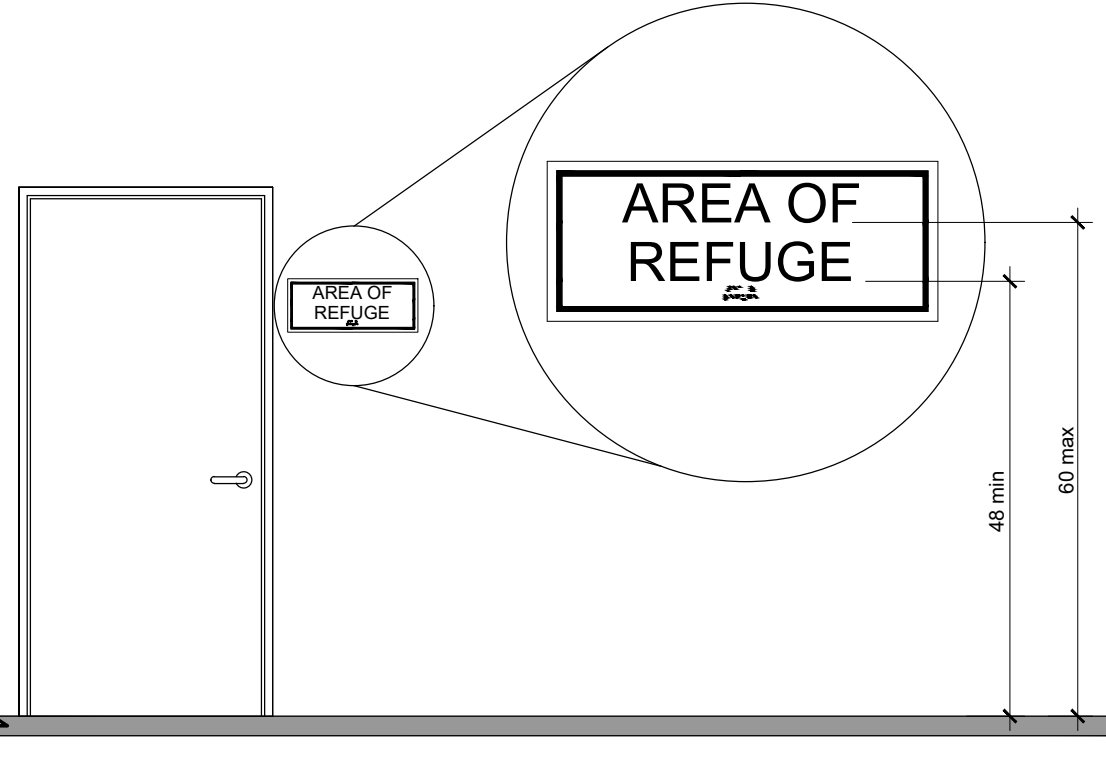


FIGURE 703.4.1 HEIGHT OF TACTILE CHARACTERS ABOVE FINISH FLOOR OR GROUND

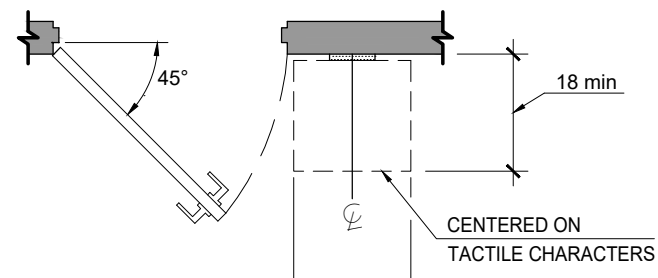


FIGURE 703.4.2 LOCATION OF TACTILE SIGNS AT DOORS

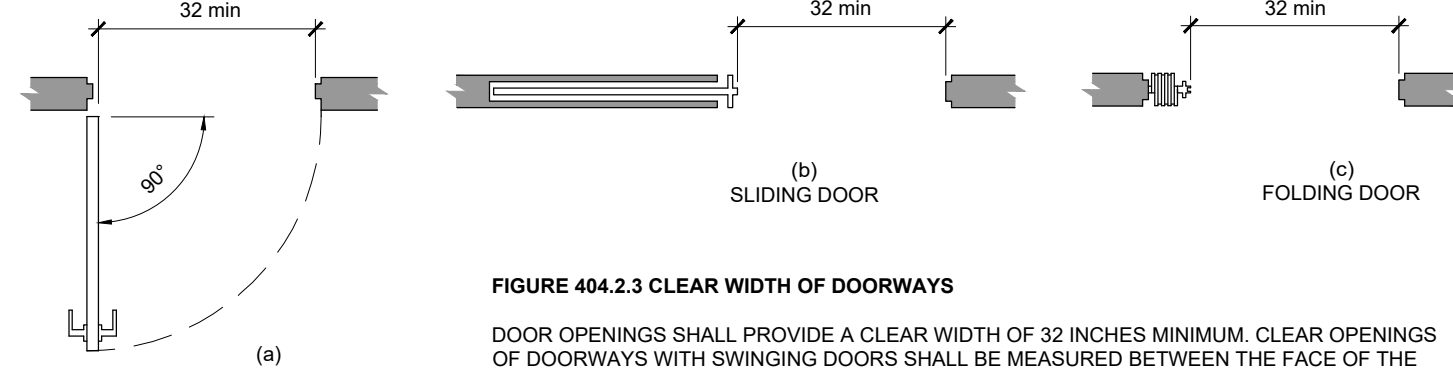


FIGURE 404.2.3 CLEAR WIDTH OF DOORWAYS

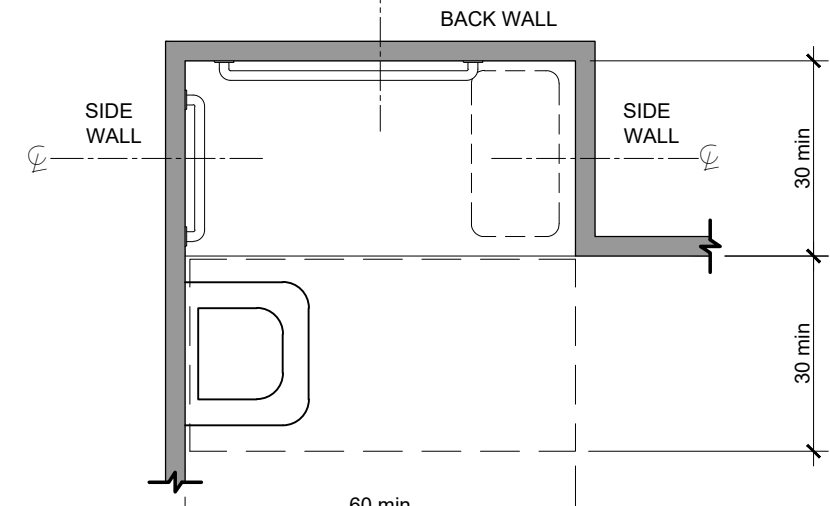


FIGURE 608.2.2 STANDARD ROLL-IN TYPE
SHOWER COMPARTMENT SIZE AND CLEARANCE

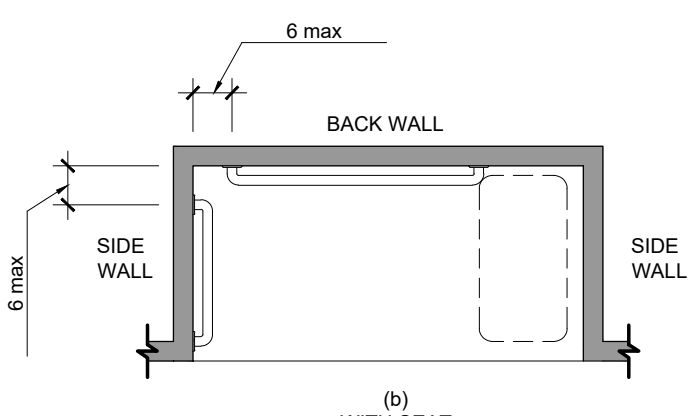


FIGURE 608.3.2 GRAB BARS FOR STANDARD ROLL-IN TYPE SHOWERS

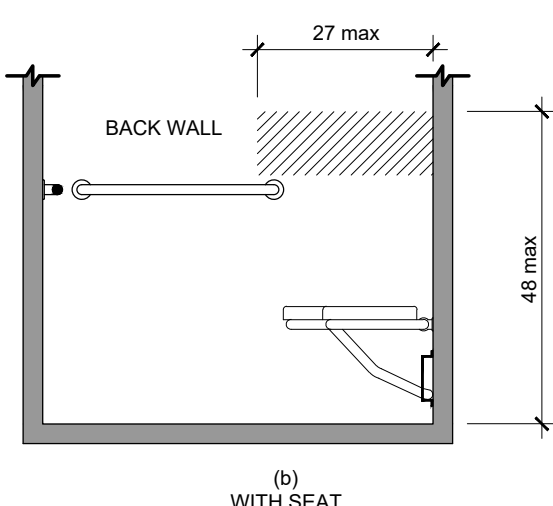


FIGURE 608.5.2 STANDARD ROLL-IN TYPE
SHOWER COMPARTMENT CONTROL LOCATION

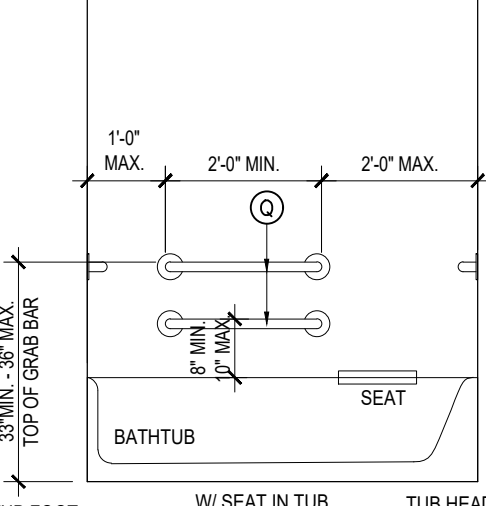
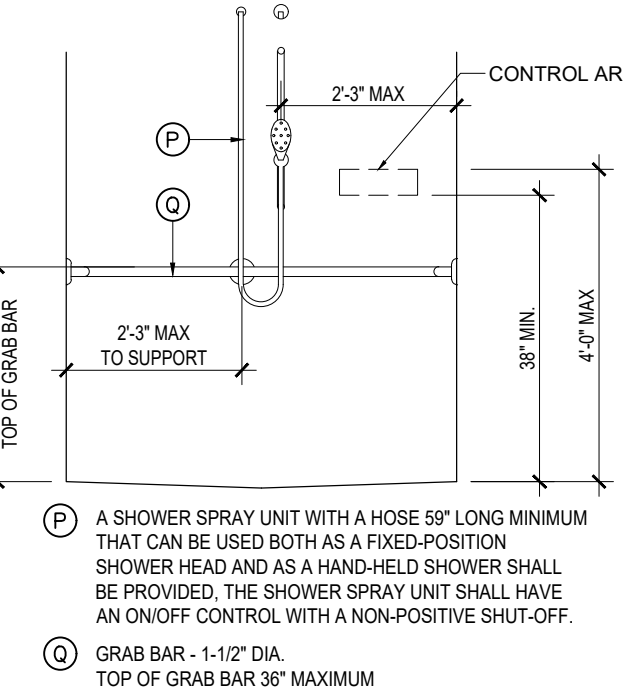


FIGURE 607.4.2 GRAB BARS FOR BATHTUBS WITH
REMOVABLE IN-TUB SEATS

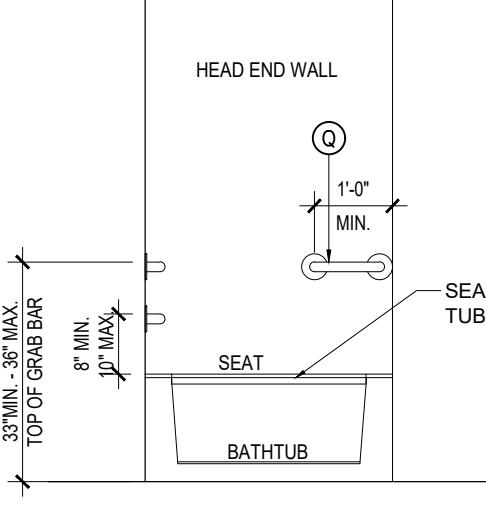


FIGURE 607.5 BATHTUB
CONTROL LOCATION

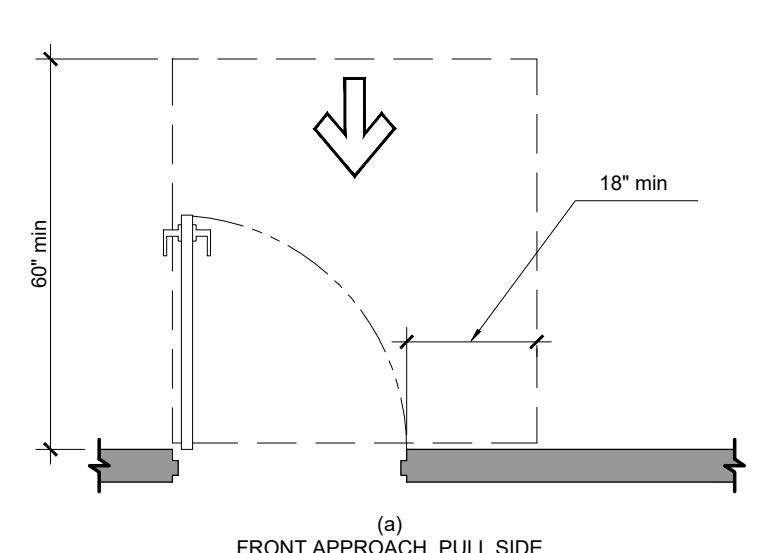


FIGURE 404.2.4 MANEUVERING CLEARANCES.

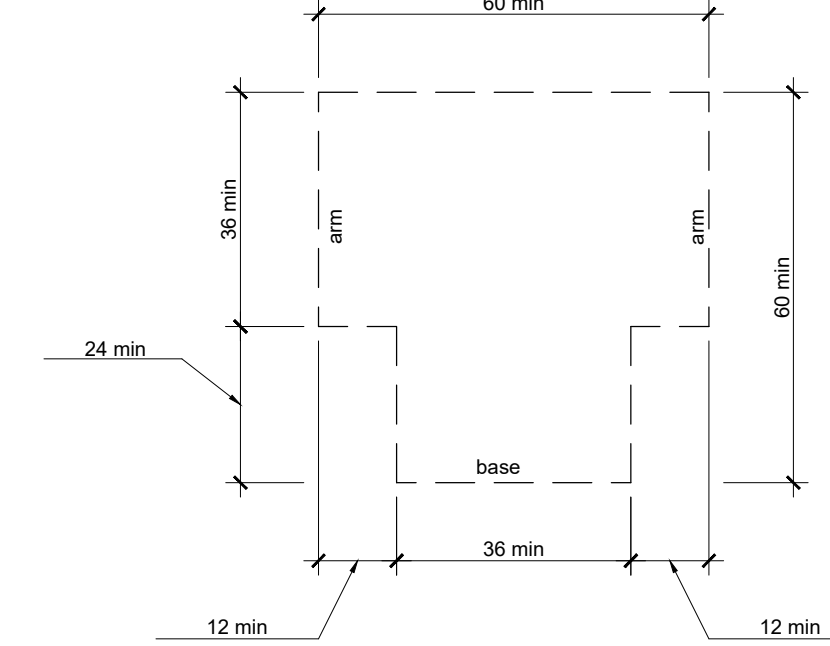


FIGURE 404.2.4 MANEUVERING CLEARANCES.

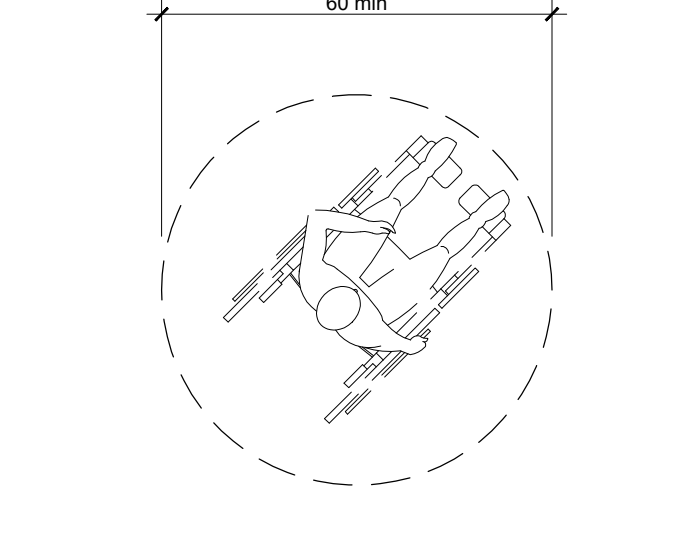


FIGURE 404.2.4 MANEUVERING CLEARANCES.

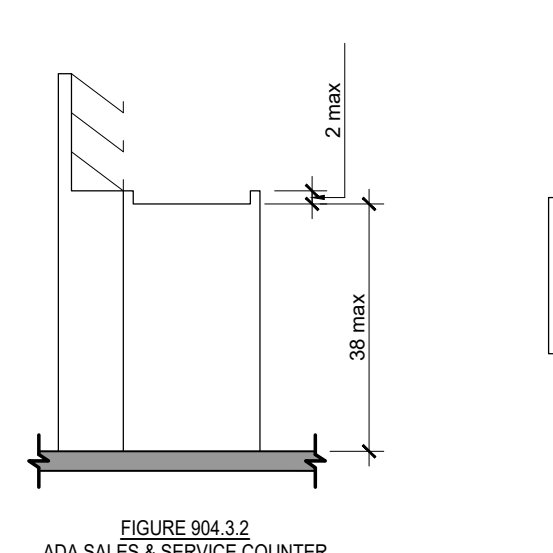


FIGURE 404.2.4 MANEUVERING CLEARANCES.

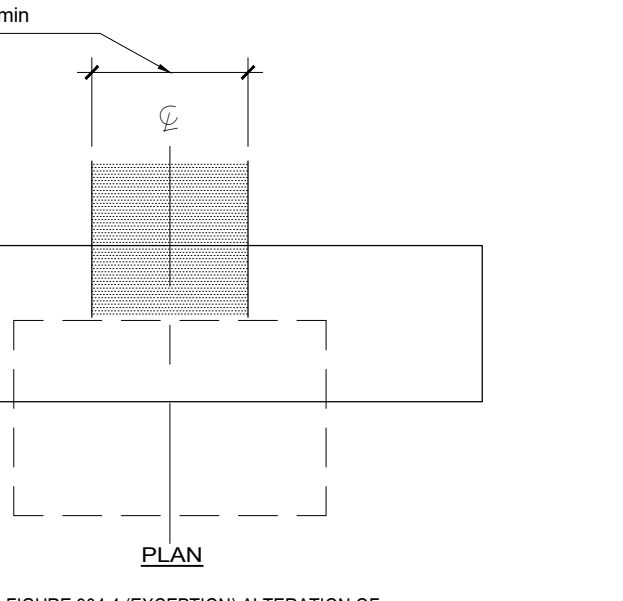


FIGURE 404.2.4 MANEUVERING CLEARANCES.

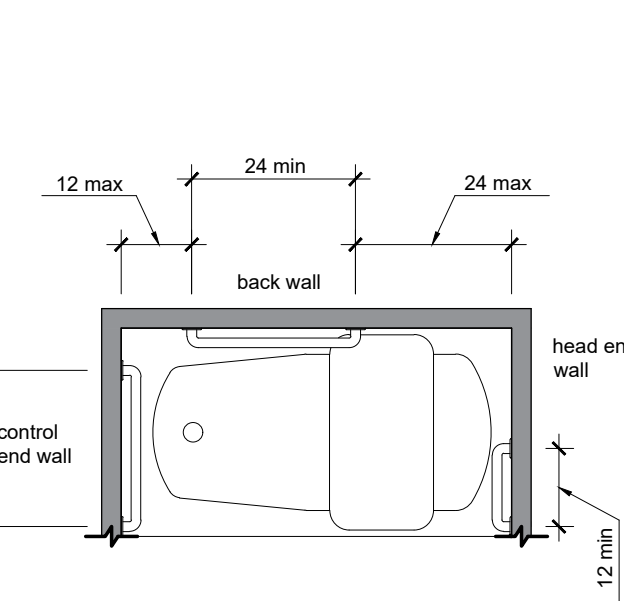


FIGURE 404.2.4 MANEUVERING CLEARANCES.

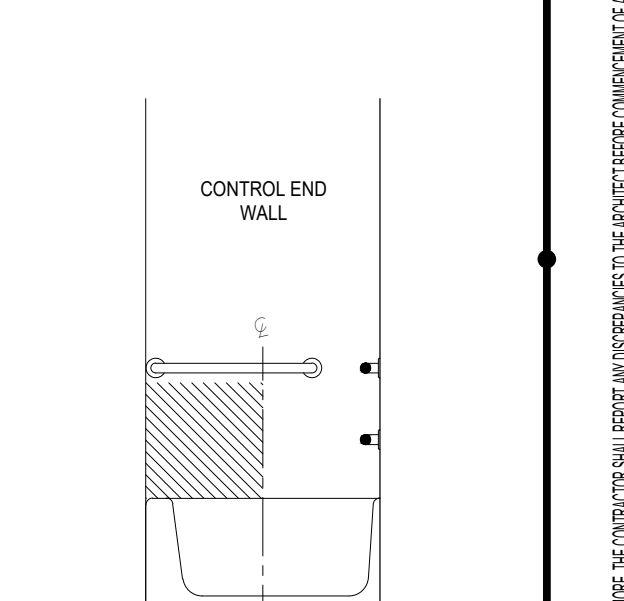


FIGURE 404.2.4 MANEUVERING CLEARANCES.

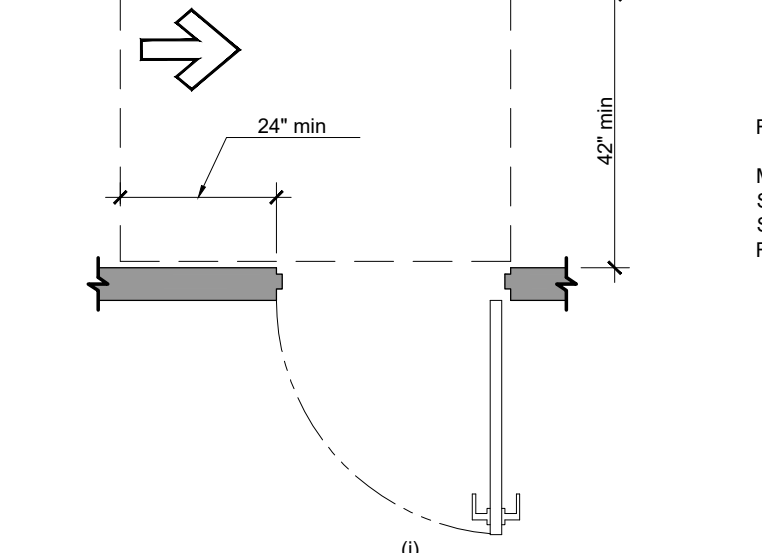


FIGURE 404.2.4 MANEUVERING CLEARANCES.

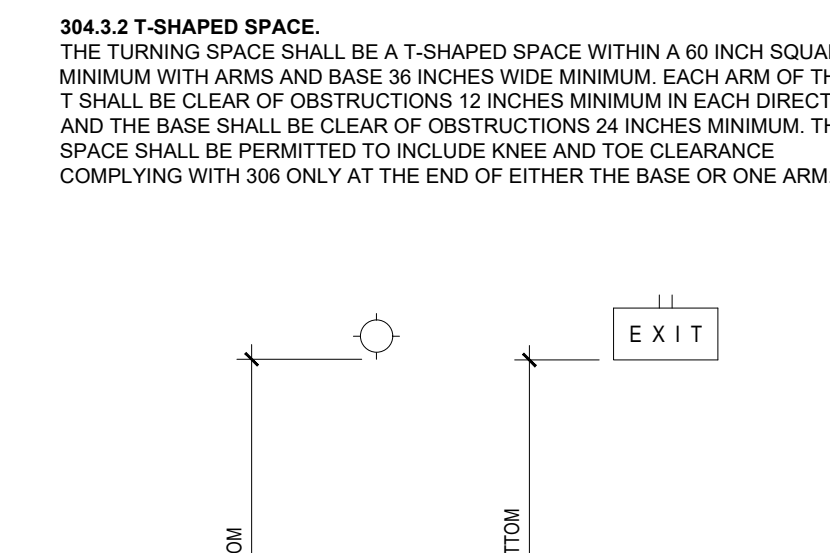


FIGURE 404.2.4 MANEUVERING CLEARANCES.

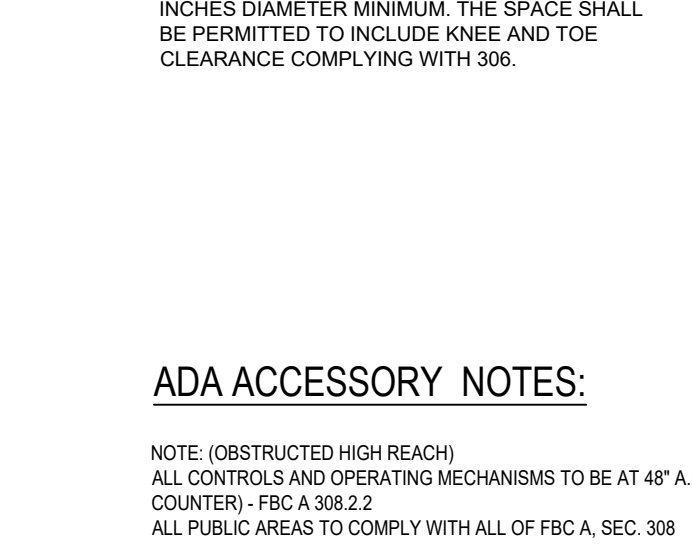


FIGURE 404.2.4 MANEUVERING CLEARANCES.

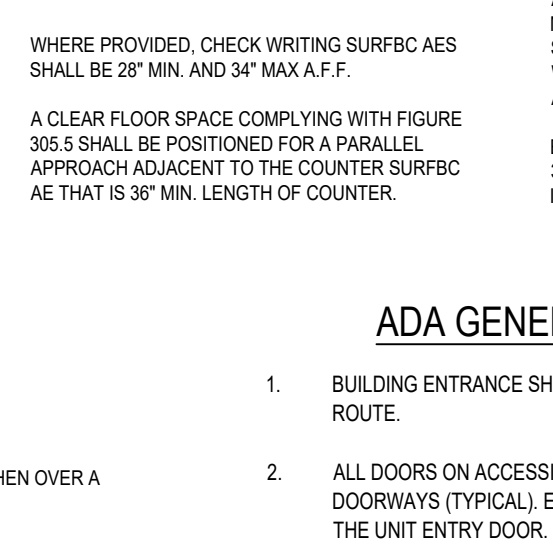


FIGURE 404.2.4 MANEUVERING CLEARANCES.

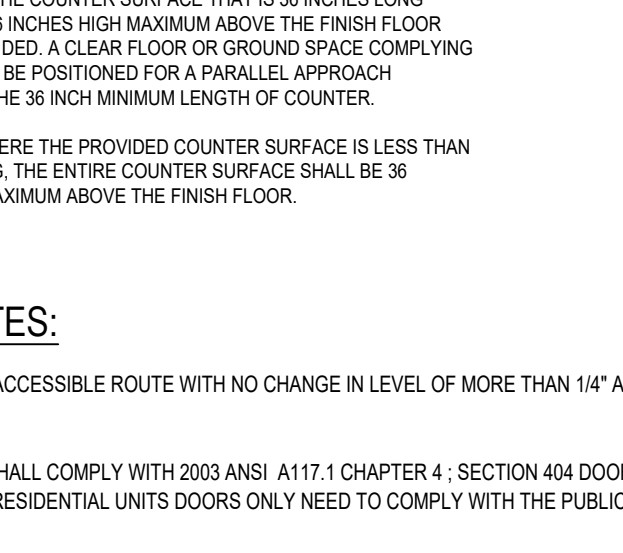


FIGURE 404.2.4 MANEUVERING CLEARANCES.

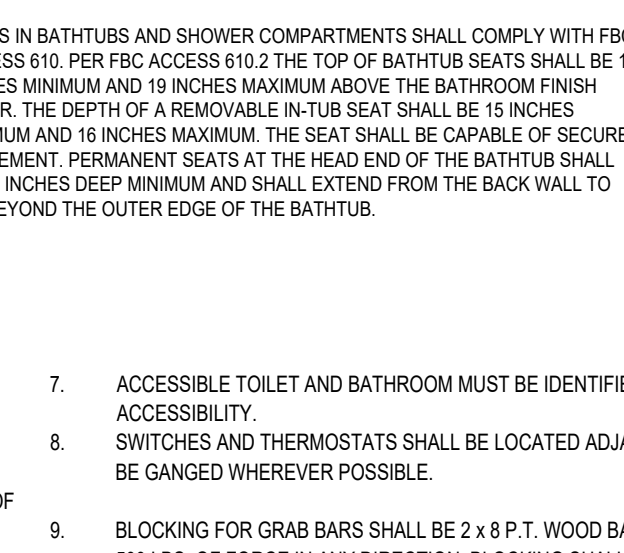


FIGURE 404.2.4 MANEUVERING CLEARANCES.

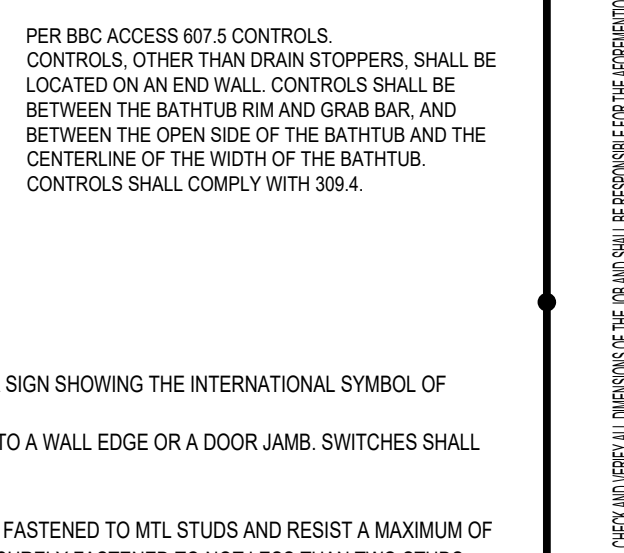


FIGURE 404.2.4 MANEUVERING CLEARANCES.

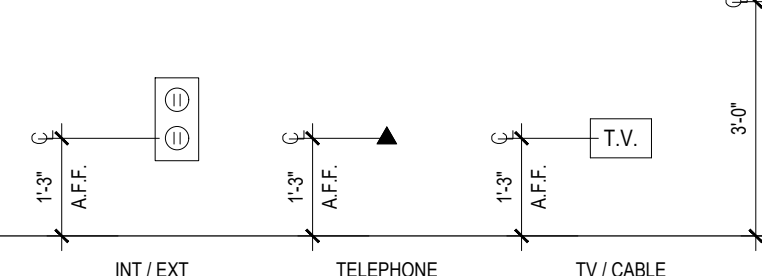


FIGURE 404.2.4 MANEUVERING CLEARANCES.

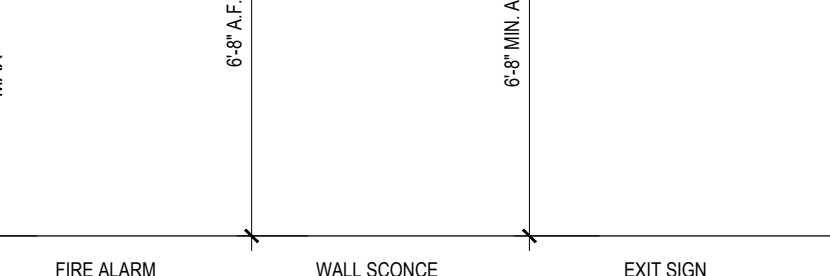


FIGURE 404.2.4 MANEUVERING CLEARANCES.

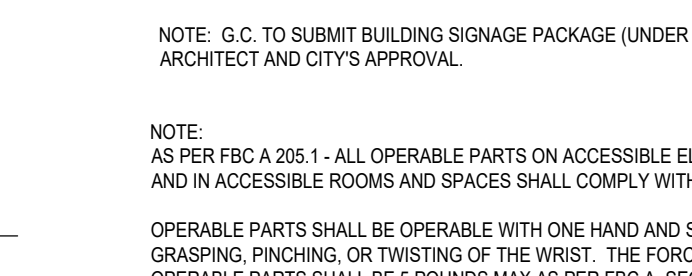


FIGURE 404.2.4 MANEUVERING CLEARANCES.

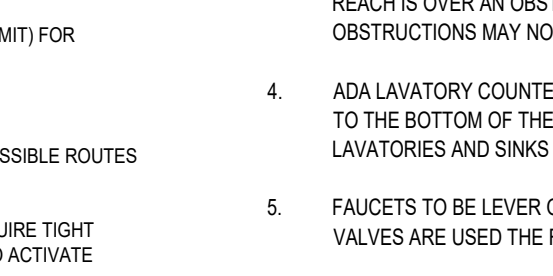


FIGURE 404.2.4 MANEUVERING CLEARANCES.

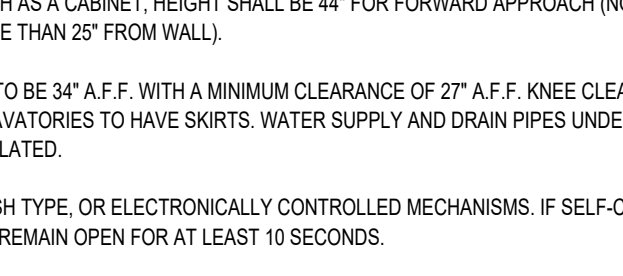


FIGURE 404.2.4 MANEUVERING CLEARANCES.

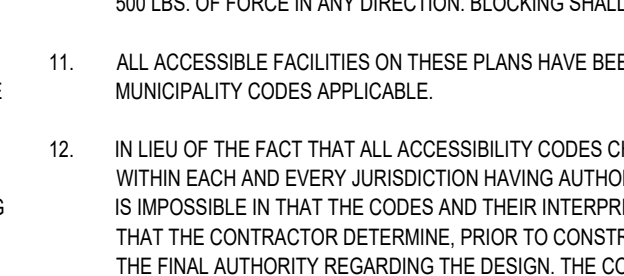


FIGURE 404.2.4 MANEUVERING CLEARANCES.

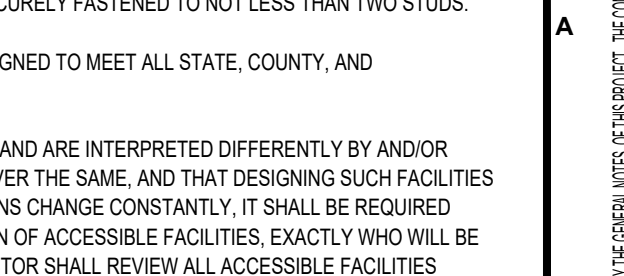


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

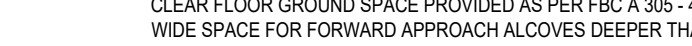


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

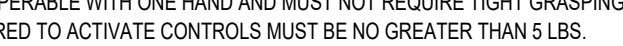


FIGURE 404.2.4 MANEUVERING CLEARANCES.

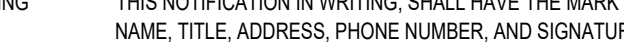


FIGURE 404.2.4 MANEUVERING CLEARANCES.

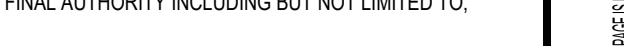


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

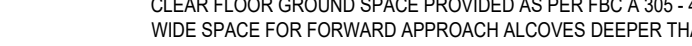


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

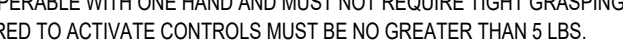


FIGURE 404.2.4 MANEUVERING CLEARANCES.

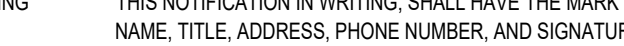


FIGURE 404.2.4 MANEUVERING CLEARANCES.

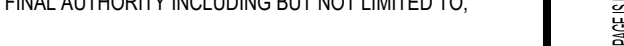


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

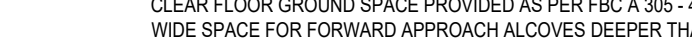


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

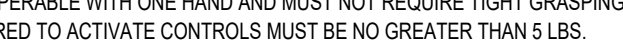


FIGURE 404.2.4 MANEUVERING CLEARANCES.

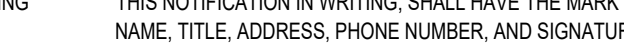


FIGURE 404.2.4 MANEUVERING CLEARANCES.

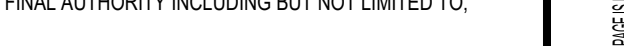


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

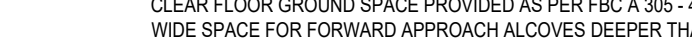


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

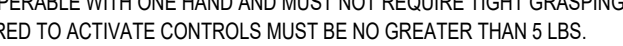


FIGURE 404.2.4 MANEUVERING CLEARANCES.

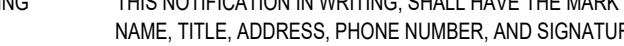


FIGURE 404.2.4 MANEUVERING CLEARANCES.

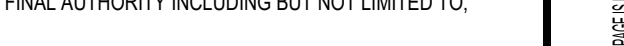


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

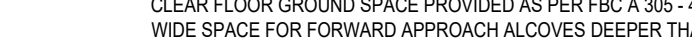


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

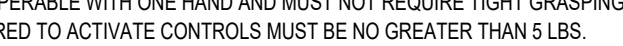


FIGURE 404.2.4 MANEUVERING CLEARANCES.

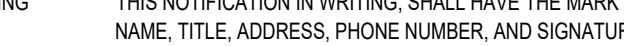


FIGURE 404.2.4 MANEUVERING CLEARANCES.

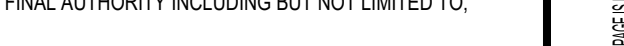


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

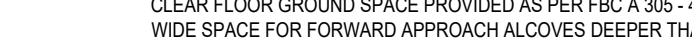


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

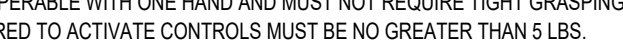


FIGURE 404.2.4 MANEUVERING CLEARANCES.

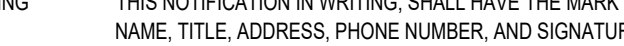


FIGURE 404.2.4 MANEUVERING CLEARANCES.

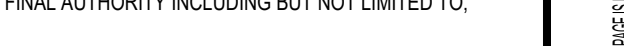


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

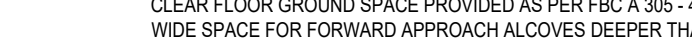


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

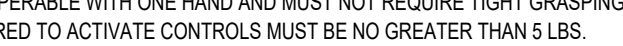


FIGURE 404.2.4 MANEUVERING CLEARANCES.

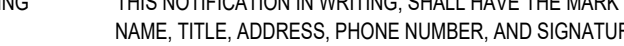


FIGURE 404.2.4 MANEUVERING CLEARANCES.

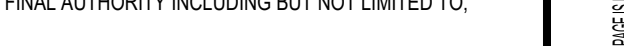


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

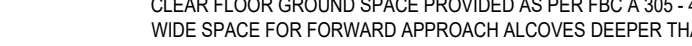


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

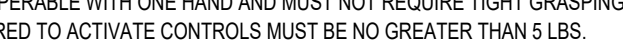


FIGURE 404.2.4 MANEUVERING CLEARANCES.

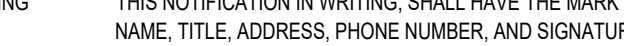


FIGURE 404.2.4 MANEUVERING CLEARANCES.

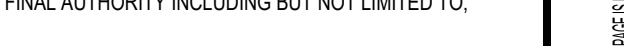


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

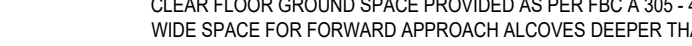


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

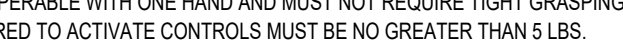


FIGURE 404.2.4 MANEUVERING CLEARANCES.

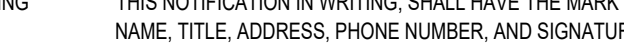


FIGURE 404.2.4 MANEUVERING CLEARANCES.

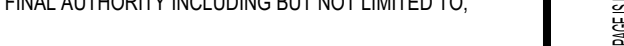


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

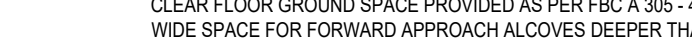


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIGURE 404.2.4 MANEUVERING CLEARANCES.

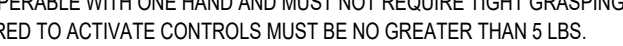


FIGURE 404.2.4 MANEUVERING CLEARANCES.

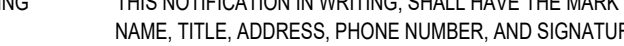
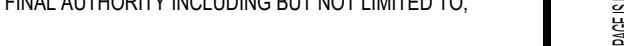
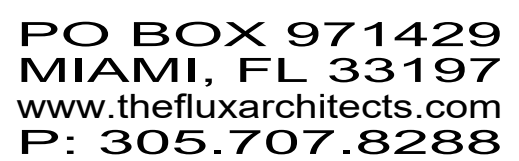


FIGURE 404.2.4 MANEUVERING CLEARANCES.



FIG



ROBERT M. MOLINA - PE63253

PROPOSAL FOR THE CONSTRUCTION OF A NEW

Project Owner:
MARIA POPRAWSKI
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project Address:
**4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308**

THE UNIVERSITY OF CHICAGO

Sheet Issue Date:
11/17/2021

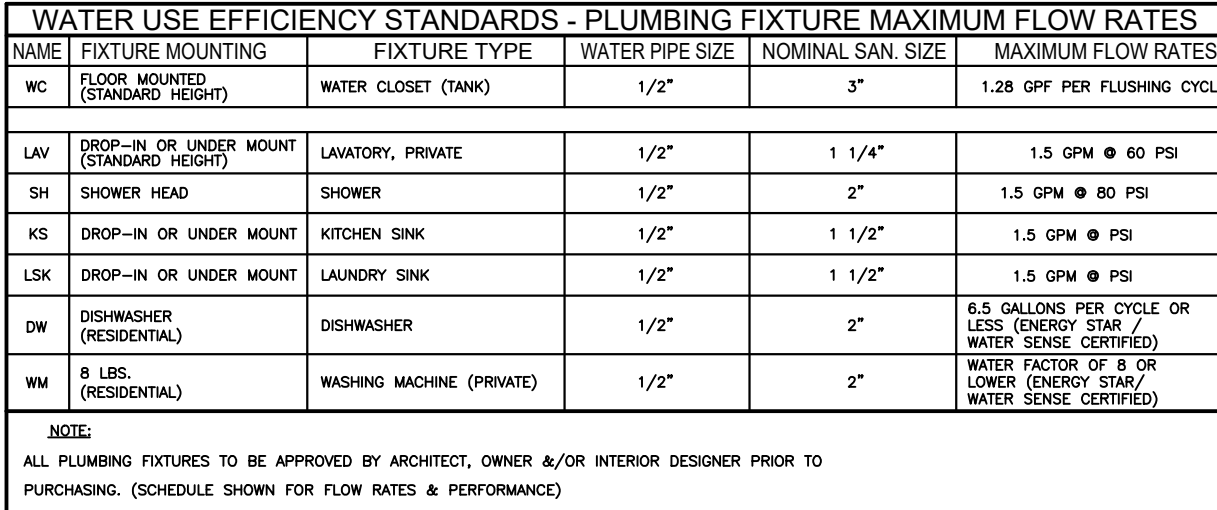
[illegible]

© 2006 Ford Motor Co.

Checked By:
RM

Sheet Number:
D101

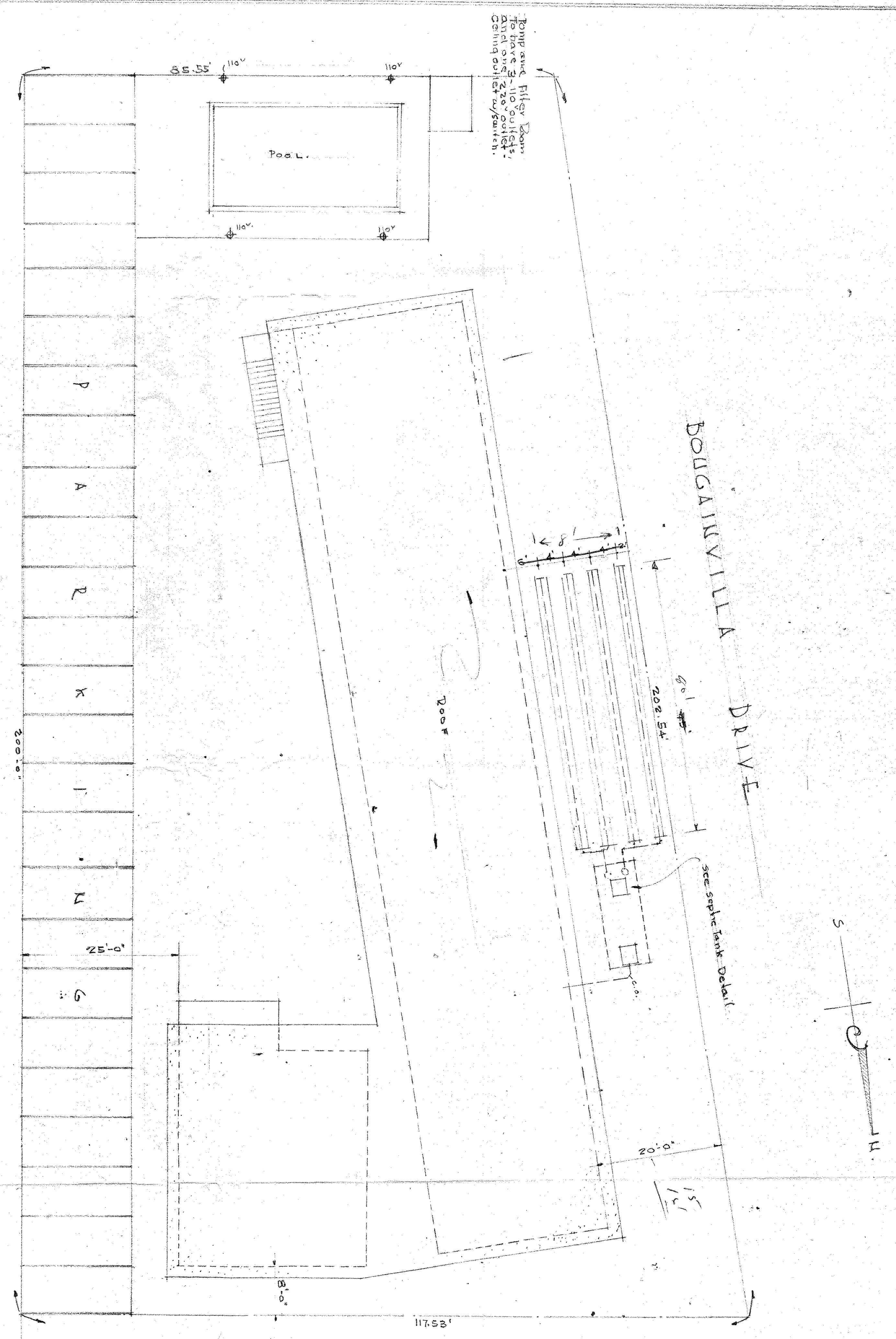
2.



THE PLUMBING SCOPE OF WORK CONSISTS OF

CONVERSION OF EXISTING GUESTROOM TO ADA COMPLIANCE:

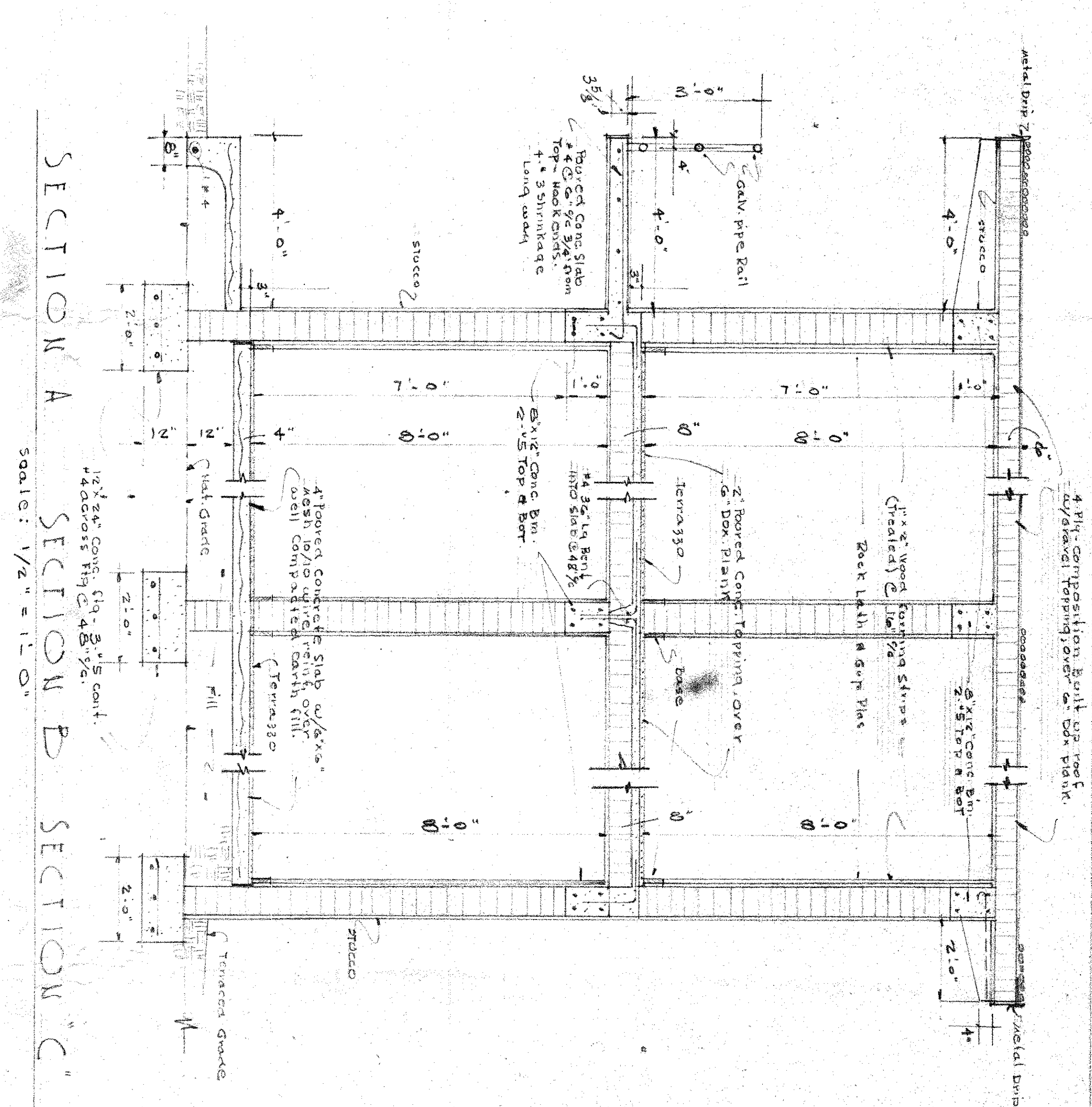
EXISTING SINK TO BE RELOCATED TO OPPOSITE WALL.
ALL EXISTING CONNECTIONS TO REMAIN AND BE RECONNECTED
AT NEW LOCATION. ALL OTHER PLUMBING FIXTURES ARE EXISTING
TO REMAIN.



PLOT PLAN
Scale: 1"=10'-0"

OCEAN DRIVE - STATE ROAD 11A

lots 1-2-3 and 4, Block 30, LAUDERDALE BY THE SEA, FLORIDA

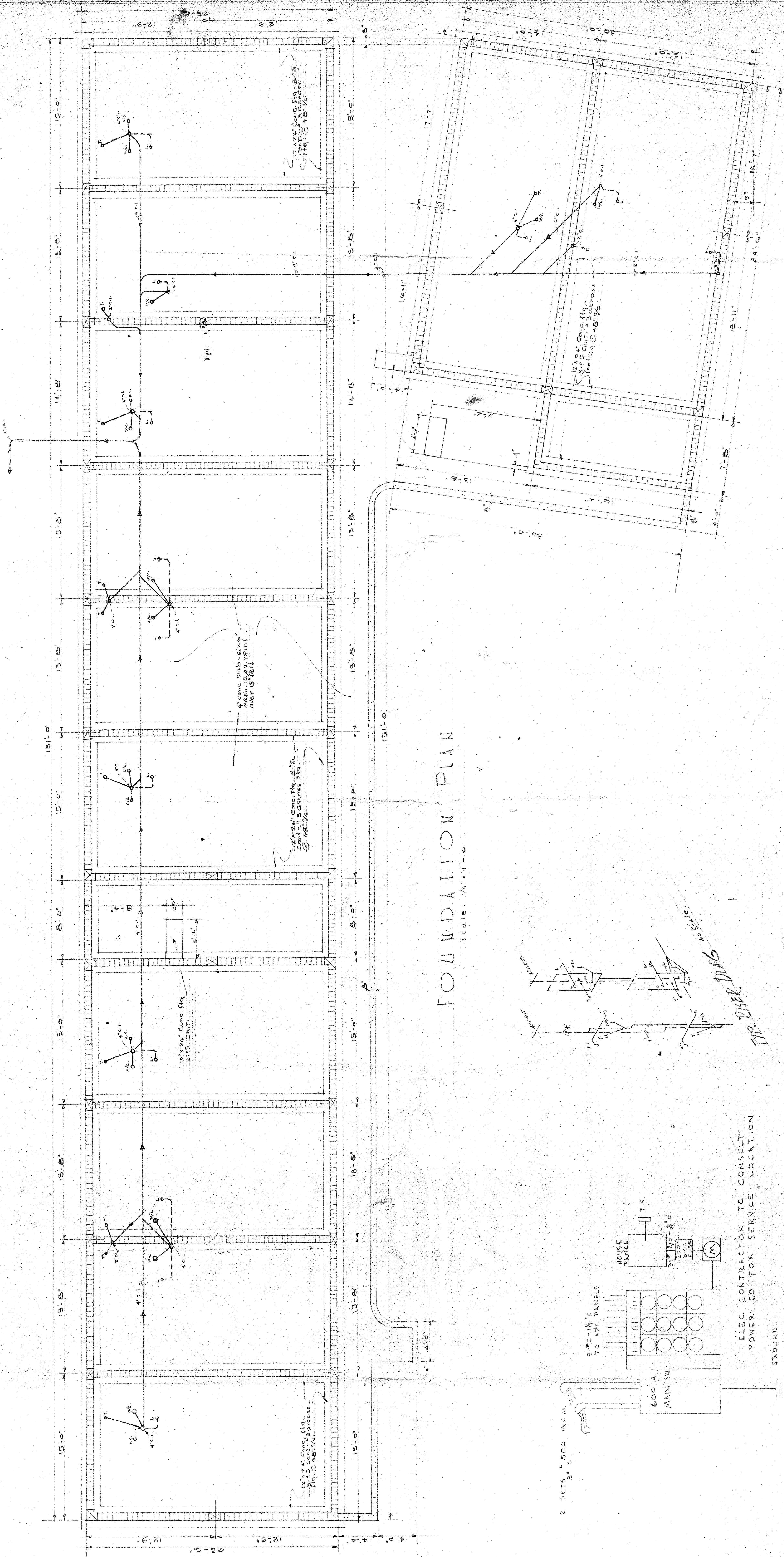


ELEVATION of STAIRWAY
SUPPORTING BRACKET
Scale: 1/2"=1'-0"

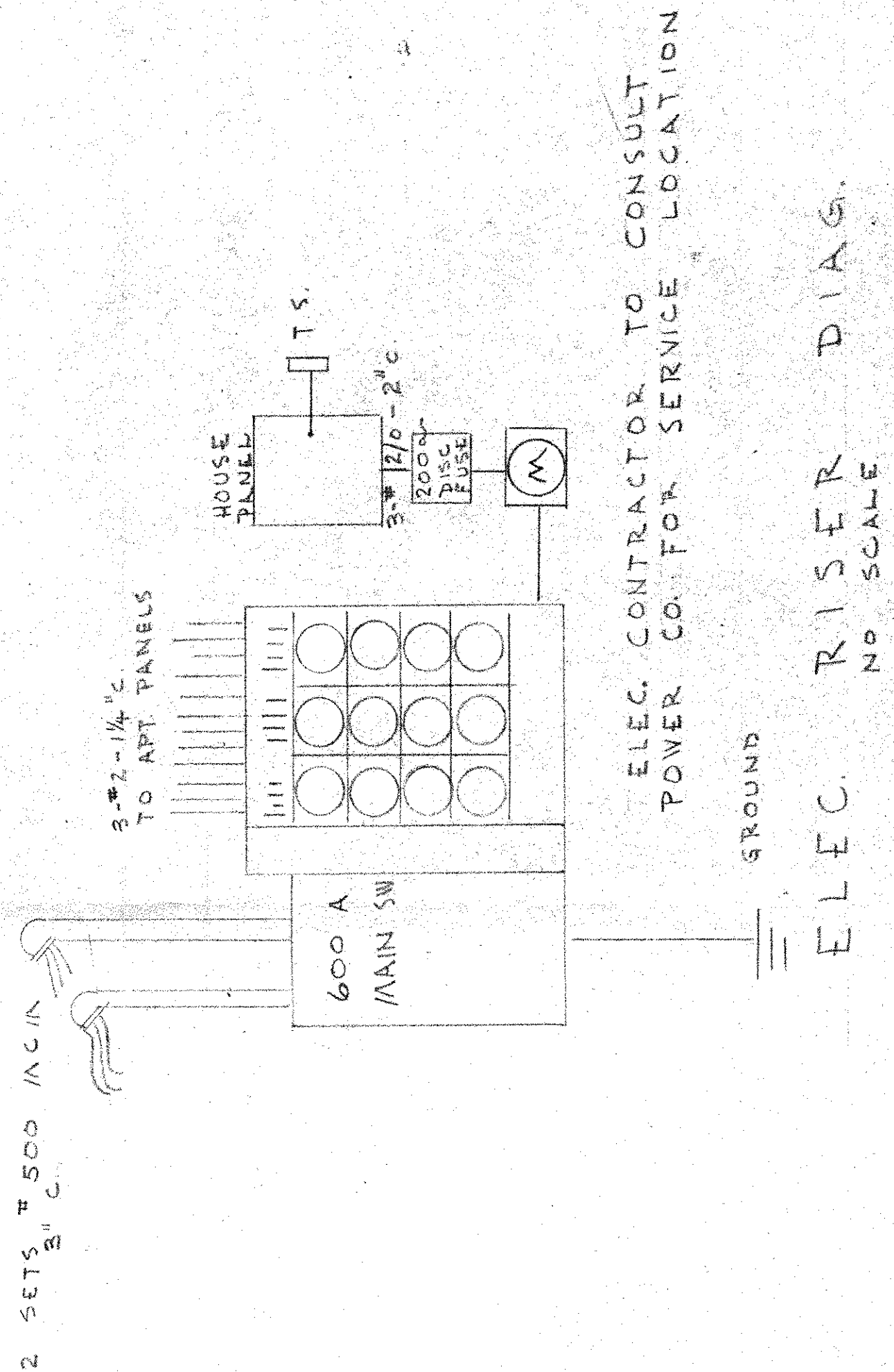
STAIRWAY DETAIL
Scale: 1/2"=1'-0"

Margaret E. Burgess, Cnd.

APARTMENT BLDG WANDILL B. WEAVER LAUDERDALE BY THE SEA, FLORIDA		DATE: June 5, 64 DRAWN BY: Margaret E. Burgess CHECKED BY: A. R. Burggraf
A. R. BURGGRAT - ARCHITECT S. J. BURGGRAT - CONST. CONSULTANT 1427 N.E. 26th St. - WILTON MANORS - 33511-1 FORT LAUDERDALE, FLORIDA		Sheet 1 of 5 Project 41-35



FOUNDATION PLAN
Scale: 1/4" = 1'-0"

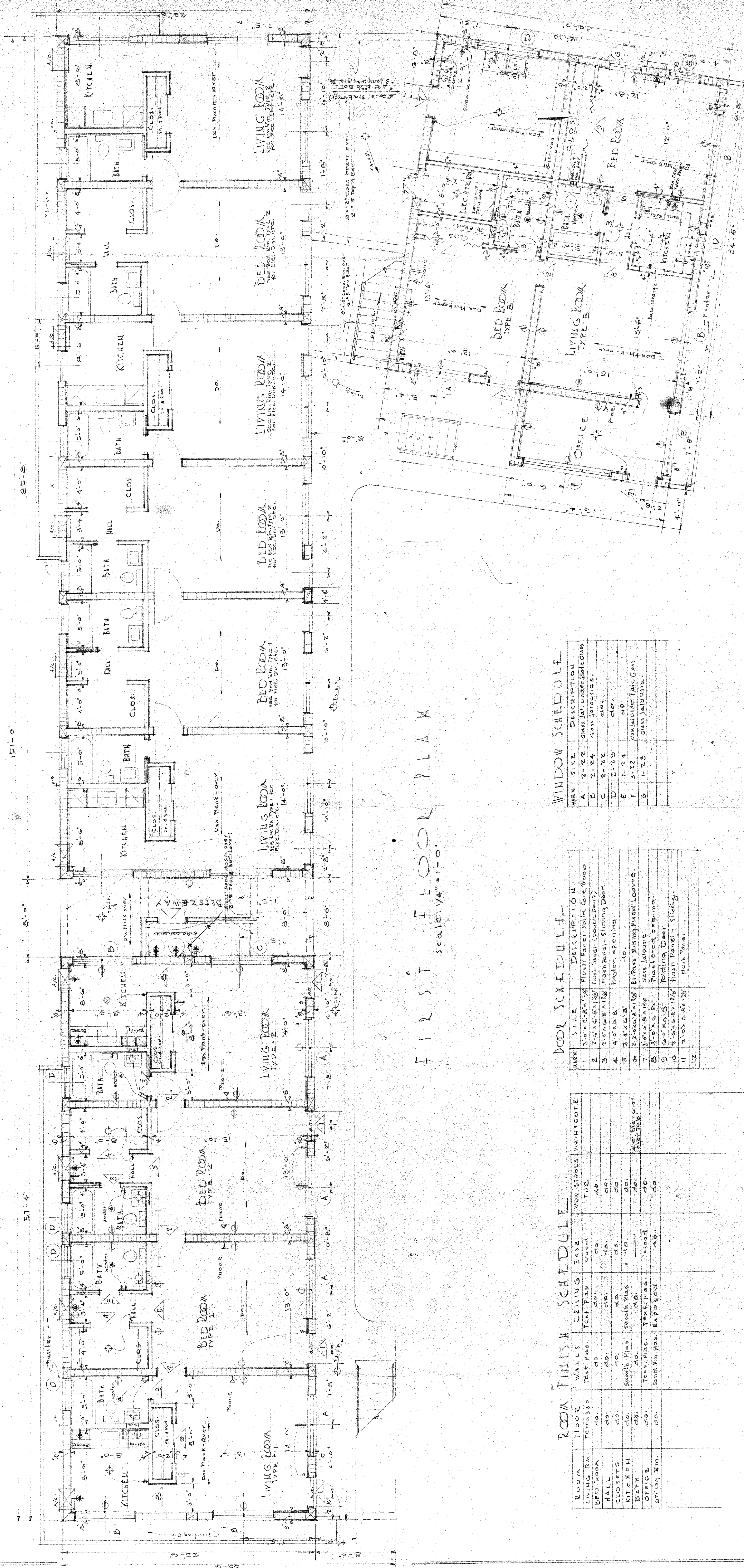


APARTMENT BLDG.
VANDELL B. WEAVER
1427 N.E. 26th ST. - WILTON MANORS PR. 10612EN
FORT LAUDERDALE, FLORIDA

REVISION LINE 1/64
SUBJECT 2 OF 5
DATE 10/15/54
DRAWN BY J. DUNN
CHECKED BY J. DUNN
JOB NO. 64-35

APARTMENT BLDG.
VANDELL B. WEAVER
1427 N.E. 26th ST. - WILTON MANORS PR. 10612EN
FORT LAUDERDALE, FLORIDA

REVISION LINE 1/64
SUBJECT 2 OF 5
DATE 10/15/54
DRAWN BY J. DUNN
CHECKED BY J. DUNN
JOB NO. 64-35



FIRST FLOOR PLAN
scale: 1/4"=1'-0"

ROOM FINISH SCHEDULE

ROOM	FLOOR	WALLS	CEILING	BASE	WOM. STUOLS	WAINSCOTE
LIVING RM.	TERAZZO	TEXT. PLAS.	TEXT. PLAS.	WOOD	TILE	
BED ROOM	do.	do.	do.	do.	do.	
HALL	do.	do.	do.	do.	do.	
CLOSETS	do.	do.	do.	do.	do.	
KITCHEN	do.	Smooth Plas.	Smooth Plas.	do.	do.	4.0. HIG. CO. SUTTER
BATH	do.	do.	do.	do.	do.	
OFFICE	do.	Text. Plas.	Text. Plas.	WOOD	do.	
Utility Rm.	do.	Sand Fin. Plas.	Exposed	do.	do.	

DOOR SCHEDULE

MARK	SIZE	DESCRIPTION
1	3'-0" x 6'-8" x 1 3/8"	Flush Panel Solid Core Wood.
2	2'-6" x 6'-8" x 1 3/8"	Flush Panel (Double Doors)
3	2'-0" x 6'-8" x 1 3/8"	Flush Panel - Sliding Door
4	4'-0" x 6'-8"	Flush Panel - Sliding Door
5	3'-4" x 6'-8"	Flush Panel - Sliding Door
6	2'-0" x 6'-8" x 1 3/8"	Bi-Ras Sliding Fixed Louvre.
7	3'-0" x 6'-8"	Bi-Ras Sliding Fixed Louvre.
8	3'-0" x 6'-8"	Bi-Ras Sliding Fixed Louvre.
9	3'-0" x 6'-8"	Bi-Ras Sliding Fixed Louvre.
10	2'-0" x 6'-8" x 1 3/8"	Flush Panel - Sliding
11	2'-0" x 6'-8" x 1 3/8"	Flush Panel
12		

WINDOW SCHEDULE

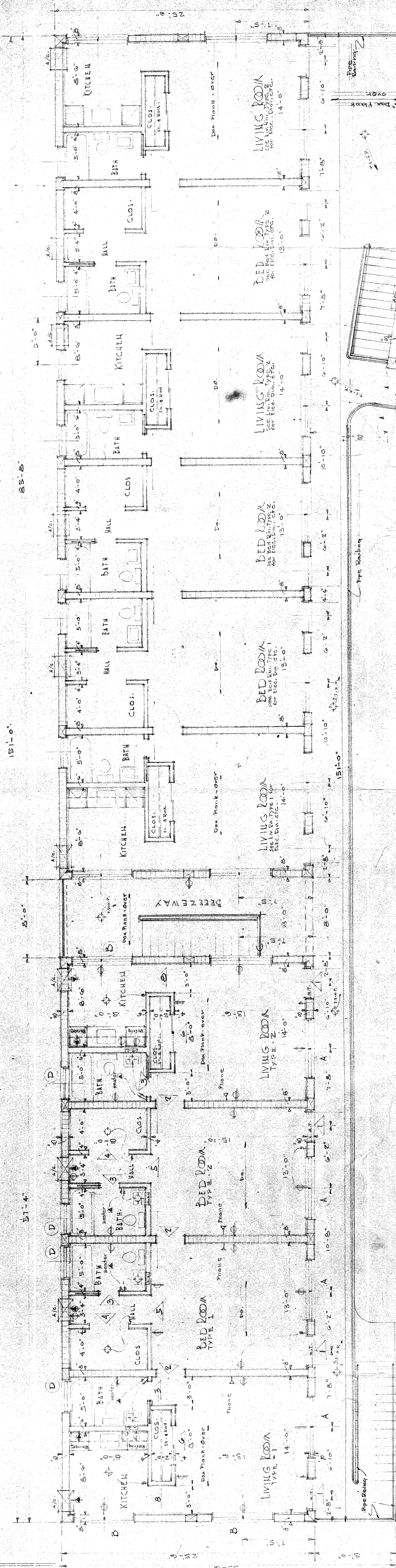
MARK	SIZE	DESCRIPTION
A	2'-2" x 2'	Glass Jalousie under Plate Glass
B	2'-2" x 2'	Glass Jalousie.
C	2'-2" x 2'	do.
D	2'-2" x 2'	do.
E	1'-2" x 2'	do.
F	3'-2" x 2'	dark Jalousie under Plate Glass
G	1'-2" x 2'	Glass Jalousie.

APARTMENT BLDG.
VADELL D. WEAVER
 ARCHITECT
 1427 N.E. 22nd St. - WILTON MANORS - PALM BEACH, FLORIDA

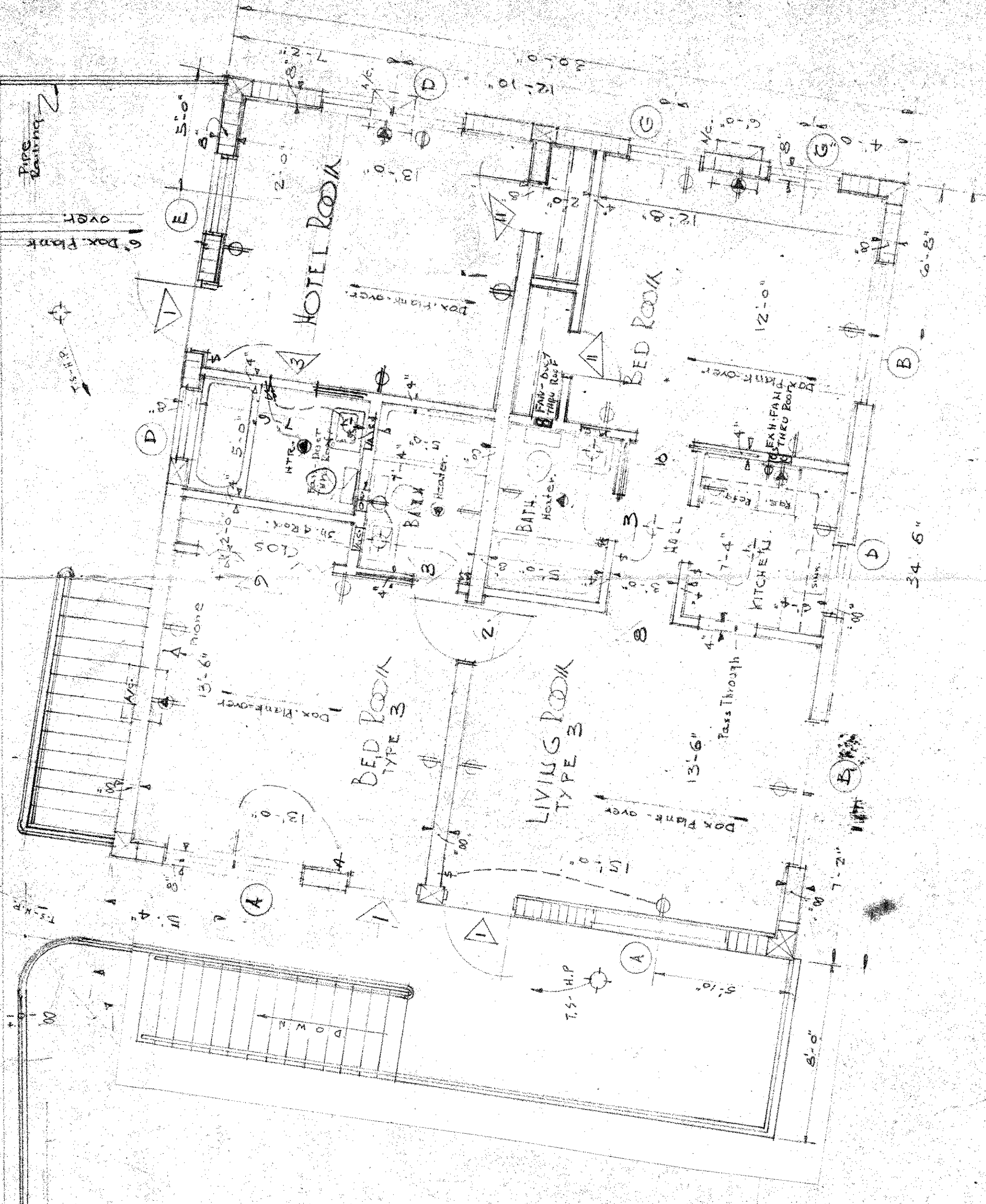
DATE: June 5/64
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1/4" = 1'-0"

Sheet 5 of 5

64-35



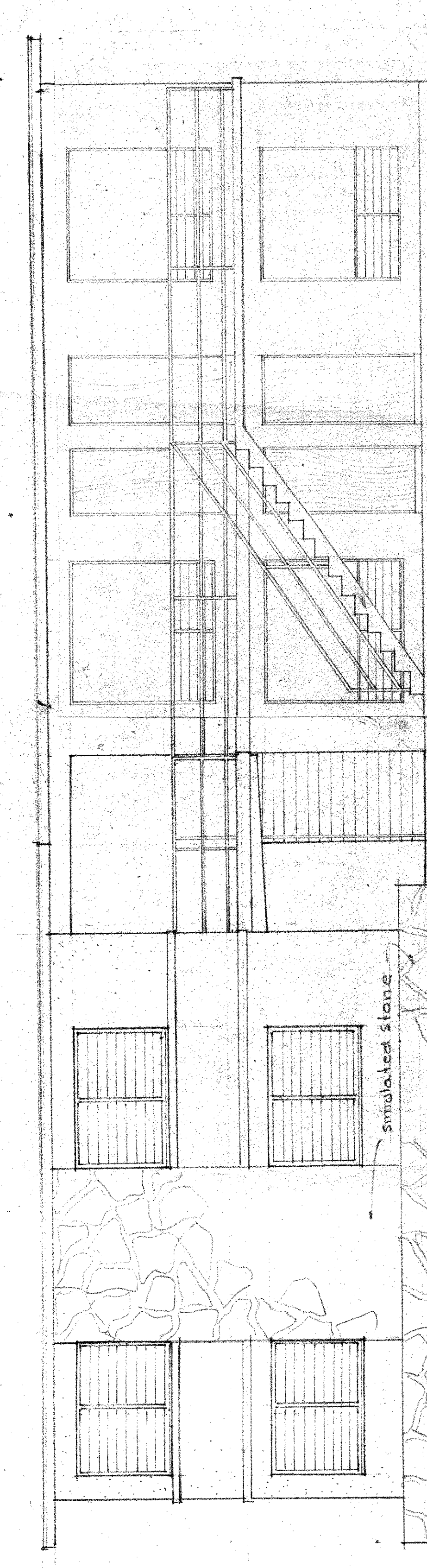
SECOND FLOOR PLAN
scale: 1/4"=1'-0"



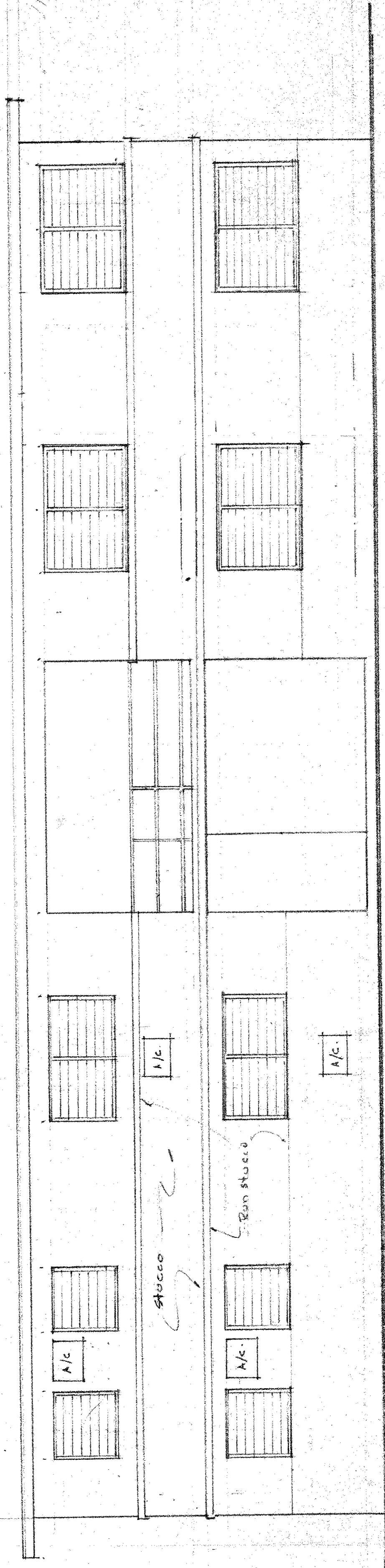
APARTMENT BLDG.
WADELL D. WEAVER
1427 N. E. 26th ST. WILTON MANORS, FLA. 10-6-62
A. R. DURGRAF - ARCHITECT
S. J. BURGARTNER - CONST. CONSULTANT
1427 N. E. 26th ST. WILTON MANORS, FLA. 10-6-62

Sheet 4 OF 5
Date: June 5, 64
Drawn by: B. D. WEAVER
Checked by: A. R. DURGRAF
Scale: 1/4"=1'-0"

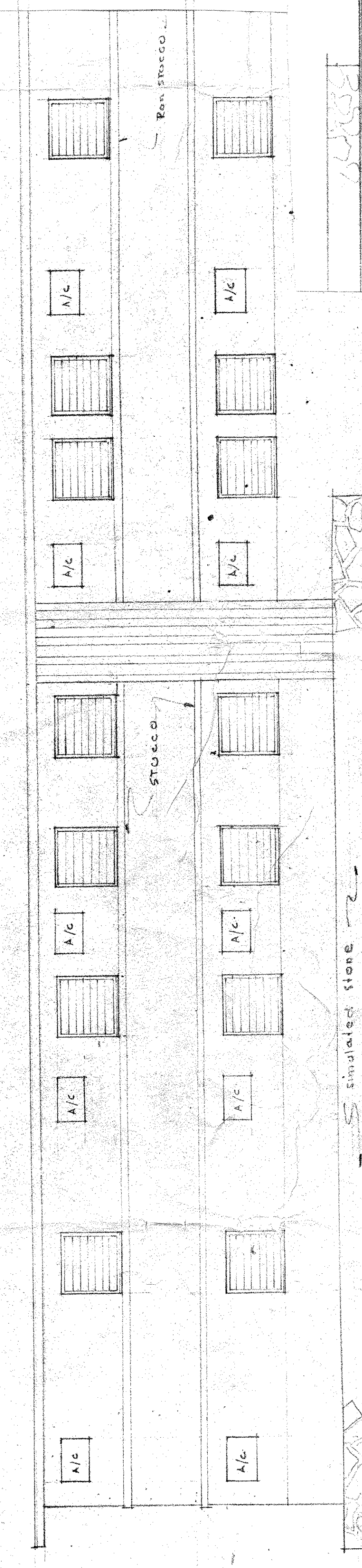
64-35



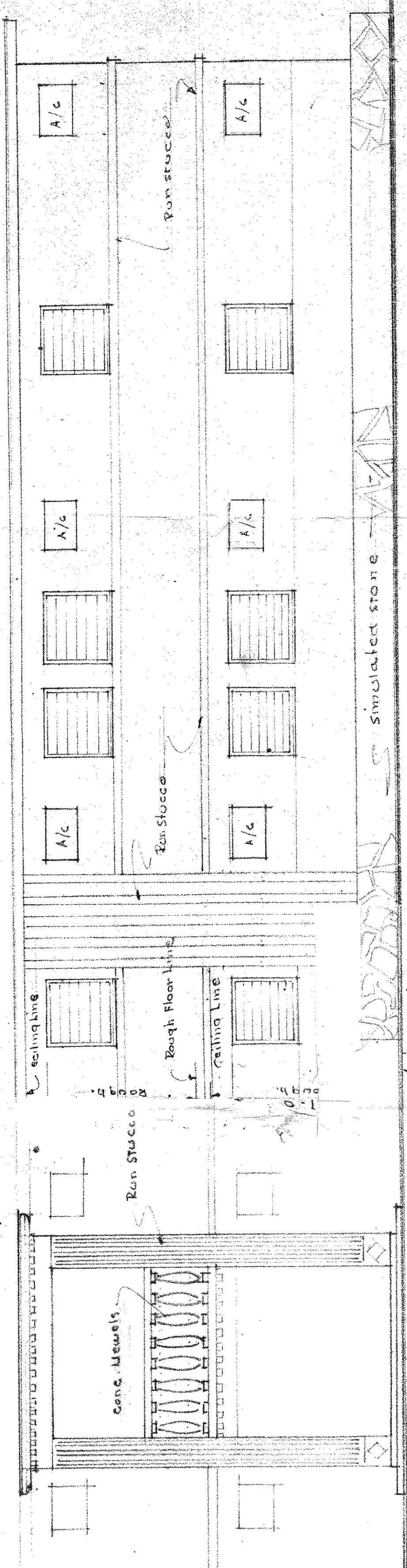
SOUTH ELEVATION
scale: 1/4"=1'-0"



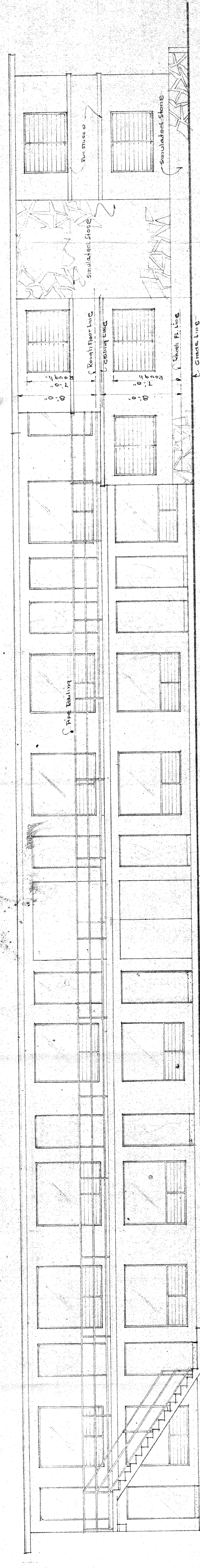
NORTH ELEVATION
scale: 1/4"=1'-0"



WEST ELEVATION
scale: 1/4"=1'-0"



EAST ELEVATION
scale: 1/4"=1'-0"



SOUTH ELEVATION
scale: 1/4"=1'-0"

Frederick R. Dwyer, Archt.

Revised June 9, 1944

VANDERBILT UNIVERSITY	
APARTMENT BLDG.	
VANDERBILT B. WEAVER	
STATE ROAD A.I.A.	
LAUDERDALE-BY-THE-SEA, FLORIDA.	
A.P. BURGGRAB - ARCHITECT	
S.J. BURGGRAB - CONSULTANT	
1427 N.E. 26th St. WILMINGTON, DE.	
FORT LAUDERDALE, FLORIDA.	
Sheet	5 of 5
Date	JUNE 5/44
Drawn by	S.S.B.
Checked by	M.P.B.
Scale	1/4"=1'-0"

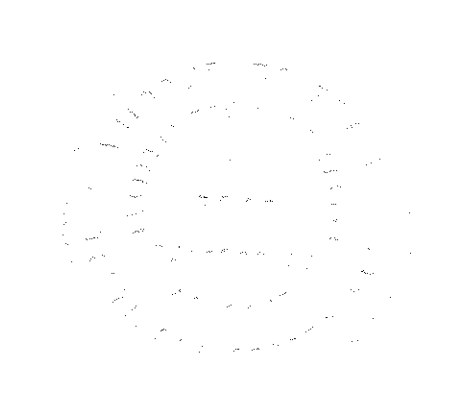
THIS PLAN CONSISTS OF 6 NUMBERED SHEETS.
EACH SHEET BEING IDENTIFIED BY THE SIGN OF
THE SUPERVISOR. THE ARCHITECT IS HEREBY ADVISED
THAT THE CITY OF BOSTON HAS THE RIGHT TO
OF THE SAME. THESE SHEETS WILL BE COMPLETED BY THE
DATE 7/12/64

PERMIT NO. 9665
WILLIAM G. CAMPBELL
SUPERVISOR
DATE 7/12/64

CONSTRUCTION IS COMPLETED
AT 525-4000 FOR FORTH 1001
2nd Assistant Commission License.

6-26-64
DATE
APPROVED FOR BROWARD COUNTY HEALTH DEPT.
WITH RESPECT TO SEWAGE DISPOSAL
SANITARIAN
THIS APPROVAL NUMBER F-1204
IS VALID FOR ONE YEAR ONLY. RESIDENT PLANS
IF NOT CONSTRUCTED WITHIN THIS PERIOD.
PROVISIONS: Connection shall be
made to sanitary sewer as soon
as it is available.
Drainfield must be in unopened area.
This approval is void if unopened
area is used.

Approved
BUILDING INSPECTION DEPT.
INSPECTION
WILLIAM G. CAMPBELL





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

To: Planning and Zoning Board
From: Jhanelle Campbell, Development Services Director
Date: April 21, 2022
Meeting Date: April 27, 2022
Project: **2021-L2-SPM-02 Site Plan Modification 4229 N Ocean Drive (Horizon by the Sea)**

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Site Plan Modification application (**Exhibit 1**) and plans (**Exhibit 2**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") for the Horizon by the Sea hotel located at 4229 N Ocean Drive (**Diagram 1**). The Applicant is requesting a modification to the approved site plan to add ten (10) hotel units to the existing building, for a total of twenty-three (23) hotel units.

Diagram 1



The Applicant has paid the appropriate fee and submitted the required documents. The Applicant conducted a Citizen Participation meeting pursuant to Section 30-114 of the Code on March 15, 2022 and provided a summary of the meeting (**Exhibit 3**). Notice to all property owners located within a three hundred (300) foot radius has been given for the Planning & Zoning Board and Town Commission meetings, the subject property has been posted, and the public hearings have been advertised pursuant to Section 30-139 of the Town Code of Ordinances (the Town Code) (**Exhibit 4**). Staff has received no comments from the public regarding this request.

Background

The subject property is zoned RM-25. The future land use classification for the site is Medium High (25) Residential. The subject property is a 20,277 square foot (.47-acre) parcel. In 1964, a thirteen unit multi-family building was constructed with the following configuration:

Table 1 – Permitted number of units per 1964 plans

Floor	Hotel Room	1 Bedroom	Two Bedroom	Total
1	1	5	1	7
2	0	5	1	6
Total	1	10	2	13

In 2015, the current owner, Krzysztof Poprawski Revocable Living Trust/Maria Poprawski Revocable Living Trust, purchased what they believed to be a twenty-five (25) unit hotel. During staff's review for their business tax receipt, we found that the ten (10) 1-bedroom units and the two (2) two-bedroom units had been illegally subdivided into individual hotel units without permits to create twelve (12) additional, unpermitted units for a total of (24) twenty-four units.

Town staff brought this to the owners' attention, and they were contacted to require their compliance with Town Code. The Applicant has submitted a site plan amendment so that the Town may review their request to retain ten (10) of the twelve (12) unpermitted units, for a total of twenty-three (23) units.

Documents

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

1. Survey, Prepared by Accurate Land Surveyors, Inc., updated August 25, 2021.
2. Plot Plan, Section, Stairway Detail, prepared by M.R. Burggraf, Architect and S.J. Baumgartner, Construction Consultant, dated June 5, 1964, Sheet 1 of 5.
3. Foundation Plan, Electric Riser Diagram, prepared by M.R. Burggraf, Architect and S.J. Baumgartner, Construction Consultant, dated June 5, 1964, Sheet 2 of 5.
4. First Floor Plan, prepared by M.R. Burggraf, Architect and S.J. Baumgartner, Construction Consultant, dated June 5, 1964, Sheet 3 of 5.
5. Second Floor Plan, prepared by M.R. Burggraf, Architect and S.J. Baumgartner, Construction Consultant, dated June 5, 1964, Sheet 4 of 5.
6. Elevations, prepared by M.R. Burggraf, Architect and S.J. Baumgartner, Construction Consultant, dated June 5, 1964, Sheet 5 of 5.
7. Sheet showing approval stamps for 1964 plans.
8. Cover Page, prepared by Flux Architects, dated November 29, 2021.
9. General Notes, prepared by Flux Architects, dated November 29, 2021, Sheet A001.
10. Site Plan, prepared by Flux Architects, dated November 29, 2021, Sheet A100.
11. Proposed Floor Plan (first floor), prepared by Flux Architects, dated November 29, 2021, Sheet A201.

12. Proposed Floor Plan (second floor), prepared by Flux Architects, dated November 29, 2021, Sheet A202.
13. ADA Specifications, prepared by Flux Architects, dated November 29, 2021, Sheet A600.
14. Electrical Plan, prepared by Flux Architects, dated November 17, 2021, Sheet E101.
15. Plumbing Plan, prepared by Flux Architects, dated November 17, 2021, Sheet P101.

Review

The plans have been reviewed by Town Staff. Comments are discussed below.

Density (Exhibit 5 - Section 30-241 (k) highlighted)

The Town Code calculates the number of units allowed on this type of property by ascribing 1,742 SF of required lot area to each permitted unit with a kitchen, and 871 SF to each permitted unit without a kitchen. The actual total square footage of this property is 20,277 SF. Based on the size of the lot, it could accommodate 23 units without kitchens (20,277 square feet of lot area divided by 871 square feet of lot area per unit without a kitchen = 23.2 units).

The property is currently renting 25 units. In order to meet the lot area requirement, two of those units were removed by creating one (1) 2-bedroom suite.

Setback Requirements (Exhibit 5 - Section 30-241(h) highlighted)

The Town Code requires a ten (10)-foot side setback along the northern property line. The existing building is located 8.13 feet from the property line, which is considered a legal nonconformity since it was built prior to the enactment of this regulations. The building is within all other setbacks, and there will be no changes to the approved setbacks for the building.

Parking Requirements (Exhibit 6 - Section 30-318(i) highlighted)

Section 30-318 (i) of the Town Code sets forth parking requirements for hotels, requiring one parking space for each unit. The original permitted plan includes twenty-five (25) parking spaces for originally permitted thirteen (13) units. The reconfiguration of parking spaces to meet the current code will result in the reduction of the spaces to 21. The 2 remaining spaces will be made up through the provision of bicycle racks and bicycles. The Applicant shall provide four bicycles and a bicycle rack for use by guests per the Town Code.

Potential Impacts to Adjacent Properties (Exhibit 7 - Section 30-122(a)(15))

There would be no discernable additional impacts to the adjacent properties from the legal recognition of the ten (10) units, since the property has been operating with a similar number of units for an undetermined period of time.

Fire

The Fire Inspector has stated that a metal sheet, proposed to be added to each of the two doors currently separating the rooms, will meet fire separation requirements.

Engineering

The Town Engineer will review the plans with the building permit application, and his comments must be met before the permit will be issued.

Summary Findings and Recommendations

The proposed plans submitted by the Applicant are consistent with the Land Development Code.

Town staff recommends approval of the site plan modification with the following conditions:

1. The Applicant shall not rent more than the legally permitted thirteen units, in the configuration shown on Sheets 3 of 5 and 4 of 5 of the 1964 plans, until the work is completed, a Certificate of occupancy is received for the 23 units, and a BTR is obtained.

1. The Applicant shall provide four bicycles and a bicycle rack for use by guests. Bicycles shall be maintained in good, rust-free, operational, and safe condition.
2. The Applicant shall secure a building permit, as defined in Section 30-121 (e) of the Town Code, for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.
3. All construction shall be in accordance with the plans, incorporated into the approved Development Order as **Exhibit 1**, which are listed in this report and in accordance with all modifications and conditions approved by the Town Commission. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.
4. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
5. 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 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.
6. All applicable state and federal permits shall be obtained before commencement of construction.

Procedure

Following the Planning and Zoning Board's review and recommendations, staff will schedule the Commission's review of the application on May 10, 2022.

Exhibits

1. Application
2. Original and proposed plans
3. Citizen Participation meeting summary
4. Section 30-139 Public notice
5. RM-25 Section 30-241
6. Off-street Parking Section 30-318
7. Site Plan Requirements Section 30-122
8. Landscape Sections 30-121, 30-122, 30-475, 30-478, 30-481

Z:\- PLANNING & ZONING BOARD\ Meetings\2022\4-27-2022\2021-L2-SPM-02 Horizon BTS\2021-L2-SPM-02 Site Plan Mod Horizon BTS Staff Report JMC 4-4-22.docx

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: 2021-L2-SPM-02

BTR #: _____

Date Application Submitted: 11/19/21

Date Application found Completed: 1/15/22

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$450.00

Cost Recovery Fee: \$1,000.00

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: HORIZON BY THE SEA INN

Folio Numbers: 4943 18 01 4050

Street Address: 4229 N OCEAN DRIVE, LAUDERDALE BY THE SEA

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 1, 2, 3, 4 BLK 30

Name of Property Owner: KRZYSZTOF POPRAWSKI REV LIV TR ^{MARIA} ^{CHERIE} Property Owner's Phone #: 954-270-8255; 954-894-7991

Address of Property Owner: 3241 CANAL Drive; Pompano Beach 33062

Property Owner's Email Address: MARIA POPRAWSKI @ GMAIL.COM

Name of Applicant: KRZYSZTOF POPRAWSKI Applicant's Phone #: 954-894-7991

Applicant's Address: 3241 Canal Drive; Pompano Beach 33062

Applicant Email Address: MARIA POPRAWSKI @ GMAIL.COM

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

Agent's Email Address: _____ Agent's Phone #: _____

Agent's Address: _____

Land Use Plan Designation: _____ Zoning District: _____

Existing Use of the Subject Property: _____

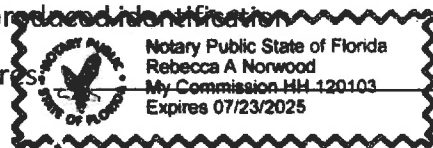
Proposed Use of the Subject Property: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property OwnerPrint Name of Property Owner: MARIA & KRZYSZTOF POPRAWSKI Date: 11/19/21Signature of Property Owner: Maria Poprawski / Krzysztof Poprawski

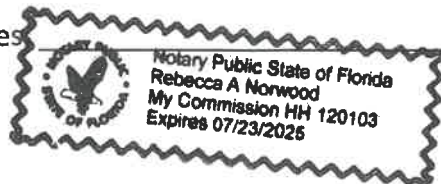
State of Florida: _____

County: _____

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day19 of November, 2021The person signing is ☒ personally known to me or has ☐ produced identificationPrint Notary Name: Rebecca Norwood My Commission Expires: _____Notary Signature: Rebecca NorwoodApplicantPrint Name of Property Owner: MARIA & KRZYSZTOF POPRAWSKI Date: 11/19/21Signature of Property Owner: Maria Poprawski / Krzysztof Poprawski

State of Florida: _____

County: _____

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day19 of November, 2021The person signing is ☒ personally known to me or has ☐ produced identificationPrint Notary Name: Rebecca Norwood My Commission Expires: _____Notary Signature: Rebecca Norwood

SECTION B: SITE PLAN PROJECT CHARACTERISTICS

Is this a modification to a previously approved site plan? ____ Yes or ☒ No

If yes, please provide the date and application number of the previous approval: _____

Existing Future Land Use Plan Designation: _____ Existing Zoning Classification: _____

Existing Use of property (if vacant, state vacant): _____

Number of units are existing (residential/motel/hotel): _____ The date last occupied: _____

Will any units be demolished: _____ Number of units to remain: _____

SECTION C: PROPOSED DEVELOPMENT: COMPLETE FOR RESIDENTIAL PROJECTS

UNIT TYPE	NUMBER OF UNITS		PLOT SIZE	DENSITY	
	Existing	Proposed		Existing	Proposed
Single-Family					
Duplex					
Townhouse					
Multi-family					
Hotel/Motel Unit with kitchen	12	0	20,277	28.00	53.8
Hotel/Motel Unit without kitchen	1	25	20,277		

SECTION D: PROPOSED DEVELOPMENT: COMPLETE FOR NON-RESIDENTIAL PROJECTS

LAND USE TYPE	GROSS FLOOR AREA		PLOT SIZE	NUMBER OF STORIES
	Existing	Proposed		
Commercial				
Office				
Restaurant				
Medical				
Other Uses				
Accessory Uses				

SECTION E: SPECIFICATIONS FOR SITE PLAN

Note: If the original site plan was not completed to the required specifications, please schedule a meeting with the Development Services Staff. Depending on the request, the following information may be requested:

- Detail Sheet
- Floor Plans
- Building Elevations
- Renderings or perspectives of proposed development
- Landscape Plans
- Parking
- Survey that identifies the following:
 - Distance of structure from property line
 - Distance between structures
 - Property lines
 - Existing setbacks
 - Easements
 - Adjacent Right-of-Way

Need assistance or clarification?

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



[illegible]

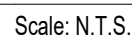
EXHIBIT 2

ARCHITECTURE
FLUX ARCHITECTS
 ARCHITECTURE - PLANNING - DESIGN
 P. O. Box 971429 MIAMI, FLORIDA 33197 Tel: 786.439.7038

AB	ANCHOR BOLT	MACH	MACHINE	S	SOUTH
AC	AIR CONDITIONING	MAT	MATERIAL	S.C.	SOLID CORE
AC.P	ACOUSTICAL CEILING PANEL	MAX	MAXIMUM	SECT	SECTION
A.D	AREA DRAIN	MECH.	MECHANICAL	SECT	SCHEDULE
ADJ	ADJUSTABLE	MFR	MANUFACTURER	SG	SHIELD GLASS
A.F.F	ABOVE FINISH FLOOR	MIN	MINIMUM	SSL	SINGLE
AGG	AGGREGATE	MISC.	MISCELLANEOUS	SH	SHEET SHELVING
ALT	ALTERNATE	M.S.	MASONRY CREWING	SH	SHEET
ALUM	ALUMINUM	MOD	MODULE/MODULAR	SLM	SIMILAR
AP	ACCESS PANEL	M.R.	MOISTURE RESISTANT	SLV	SLEEVE
APPROX	APPROXIMATE	MTD	MOUNTED	SP	SPECIFICATIONS
ARCH	ARCHITECT/ARCHITECTURAL	MTL	METAL	SQ	SQUARE
ASPH	ASPHALT	GA	GAGE, GAUGE	S.ST.	STAINLESS STEEL
AT	AUTO/ AUTOMATIC	GRAB	GRAB BAR	ST	STANDARD
AVG	AVERAGE	GA	GALVANIZED	STOR	STORAGE
B	BASE	G.C.	GENERAL CONTRACTOR	STL	STEEL
B.D.	BOARD	GL	GLASS	STRUC.	STRUCTURE/STRUCTURAL
BET	BETWEEN	G.N.	GENERAL NOTES	SUS	SUSPENDED
BLDG	BUILDING	GR	GRADE	SYM	SYMMETRICAL
BKGS	BLOCKING	GYP BD	GYPHUM WALL BOARD	T & G	TONGUE AND GROOVE
B.M.	BENCH MARK	H	HIGH	TEL	TELEPHONE
BTM	BOTTOM	H.B	HOSE BIBB	TEMP	TEMPERED
B.U	BUILT UP	H.C.	HOLLOW CORE	TH	THRESHOLD
B.S	BLOCK SPASH	H.W.	HARDWARE	THK	THICKNESS, THICK
B.S.	BLOCK SPASH	H	HORIZONTAL	T.O.	TOP OF BEAM
CAB	CABINET	HT	HEIGHT	T.O.F.	TOP OF FOOTING
CAB	CABINETS	HVAC	HEATING VENTILATION/	T.O.S.	TOP OF SLAB
CEM	CEMENT		AIR CONDITIONING	T.O.W.	TOP OF WALL
C.I.P	CAST-IN-PLACE	IN	INCH	T.P.	TOILET PAPER HOLDER
C.J.	CONTROL JOINT	INS	INSULATION	TR	TRUCK
C.C.	CEILING	INT.	INTERIOR	UC	UNDERCUT
C.O.	CORNER				
C.M.U.	CONCRETE MASONRY UNIT	JT	JT	JT	JT
COL	COLUMN	L	LONG	UN	UNDER/UNDERSTAIRS LABORATORIES
CONC	CONCRETE	LAM	LAMINATE, LAMINATED	URNAL	URNAL
CONT.	CONTINUOUS, CONTINUE	LAV	LAVATORY	U.O.N	UNLESS OTHERWISE NOTED

DSL	DOUBLE	N.I.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
DEM	DEMOLISH, DEMOLITION	NO	NUMBER		
DET	DETAIL	NOM	NOMINAL		
DI	DIAMETER	N.T.S.	NOT TO SCALE	W.	WEST, WIDE, WIDTH
DIM	DIMENSION			W.	WITH
DN	DOWN			W.C.	WATER, WATER CLOSET
DR	DOOR	O.C.	ON CENTER	W.D.	WOOD
D.S.	DOWN SPOUT	OH	OVERHANG, OVERHANG	WP	WATERPROOF, WATERPROOFING
DWG	DRAWING	OPNG	OPENING	W.P.	WORKING POINT
		OPP.	OPPOSITE	WT.	WEIGHT
E	EAST				
E.A.	EACH	P.C.	PRE CAST CONCRETE	/	ANGLE
EL	ELEVATION	PF	PREPARED	@	AT
ELEC	ELECTRICAL, ELECTRIC	PKG	PARKING	C	CHANNEL
EM	EMERGENCY	P.L.	PROPERTY LINE		
EP	ELECTRICAL PANEL	PL	PLATE		FOUND, NUMBER
EQ	EQUAL	PLS	PLASTER	&	CENTER
EQUIP	EQUIPMENT	PLAS	PLASTIC LAM		
E.W.	EACH WAY	PLEM	PLYWOOD		
E.W.C.	ELECTRIC WATER CLOUSE	PLWVD	PLYWOOD		
EXH	EXHAUST	PNT	PANEL		
EXIST.	EXISTING	PNT, PAINTED	PANEL, PAINTED		
EXPD.	EXPLODED	PT	PRESSURE TREATED		
EXP. JT.	EXPANSION JOINT	PTN	PARTITION		
EXT.	EXTERIOR				
		QTY.	QUANTITY		
FAB	FABRICATED				
F.D.	FLOOR DRAIN				
F.E.C.	FIRE EXTINGUISHER CABINET	R	RISER		
F.F.L.	FINISH FLOOR LINE	RAD.	RADIUS		
F.G.	FIREGLASS	R.D.	ROOF DRAIN		
FMHS	FLATHEAD MACHINE SCREW	RFR	REFRIGERATOR		
FMWS	FLATHEAD WOOD SCREW	REINF.	REINFORCED, REINFORCEMENT		
FIN	FINISH, FINISHED	REQD.	REQUIRED		
FL	FLOOR	RES	RESILIENT		
F.O.M.	FACE OF MASONRY	REV	REVERSED, REVISION		
F.O.S.	FACE OF STUD	R.H.	RIGHT HAND		
FT	FOOT, FEET	RM	ROOM		
FTG	FOOTING	R.O.	ROUGH OPENING		
		R.O.W.	RIGHT-OF-WAY		

1. THE GENERAL CONTRACTOR SHALL TAKE MEASURES TO DELIVER TO THE OWNER A CONTINUOUS WATER TIGHT BUILDING ENVELOPE WHICH WILL PROVIDE A SOLID SHEATH TO WATER ENTRY.
2. PROVIDE WEEPS AT MASONRY SYSTEM WHICH MAY COLLECT MOISTURE.
3. PROVIDE NECESSARY SITE WORK TO MOVE WATER AWAY FROM THE BUILDING DURING CONSTRUCTION.
4. GENERAL CONTRACTOR SHALL COMPLETE AND SEAL THE BUILDING ENVELOPE PRIOR TO INSTALLING WALL BOARD OR ANY FINISH MATERIAL.
5. THE CONTRACTOR SHALL ESTABLISH PROCEDURES TO PROVIDE DELIVER AND STORE MATERIALS SO AS TO PREVENT WATER DAMAGE. ALL MATERIALS SHALL BE INSPECTED FOR WATER DAMAGE PRIOR TO ACCEPTING DELIVERY.
6. THE CONTRACTOR SHALL TAKE REASONABLE STEPS TO MAINTAIN EFFECTIVE DRY-IN CONDITIONS DURING THE "CONTROLLED" PHASE OF CONSTRUCTION.
7. THE CONTRACTOR SHALL ENSURE THAT ALL SURFACES ARE DRY AND UNEXPOSED TO SOURCES OF HUMIDITY PRIOR TO COVERING THEM WITH FINISH MATERIALS.
8. THE CONTRACTOR SHALL ESTABLISH A RIGOROUS SCHEDULE FOR DEALING WITH ANY LARGE AND UNEXPECTED WATER INTRUSION INTO COMPLETED PORTIONS OF THE BUILDING.
9. UPON COMPLETION OF CONSTRUCTION, THE GENERAL CONTRACTOR SHALL DELIVER TO THE OWNER ALL AVAILABLE MATERIAL, INCLUDING BUT NOT LIMITED TO MANUFACTURER'S RECOMMENDATION SO AS TO FACILITATE THE DEVELOPMENT OF A BUILDING OPERATIONS AND MAINTENANCE PLAN.

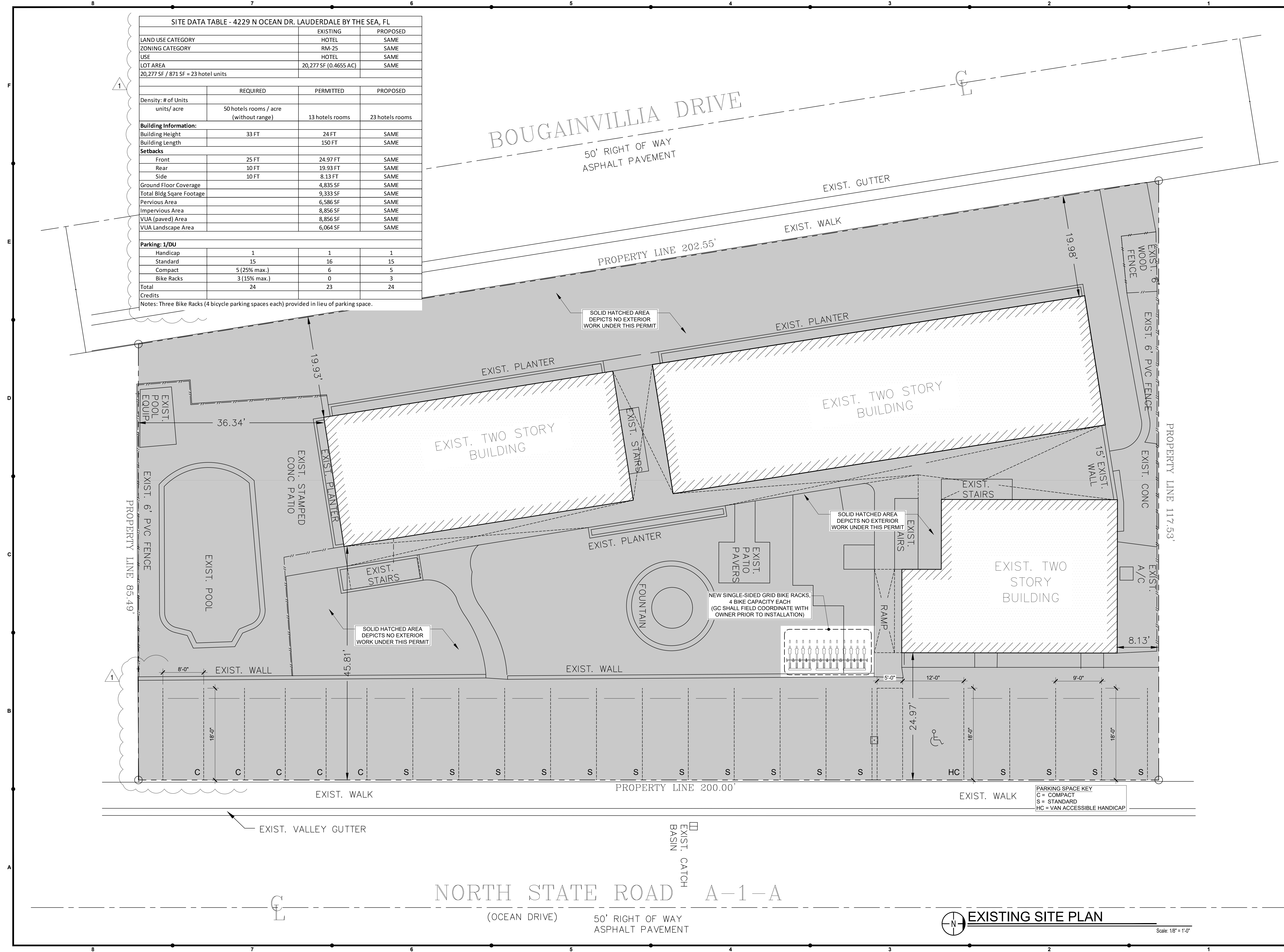


A horizontal number line with arrows at both ends. It has tick marks labeled 4, 3, and 2 from left to right. A solid black dot is placed on the tick mark for 4, and another solid black dot is placed on the tick mark for 2.

PER FBC EXISTING BUILDING SECT. 503 - LEVEL 2 ALTERATIONS INCLUDE THE RECONFIGURATION OF SPACE, THE ADDITION OR ELIMINATION OF ANY DOOR OR WINDOW, THE RECONFIGURATION OR EXTENSION OF ANY SYSTEM, OR THE INSTALLATION OF ANY ADDITIONAL EQUIPMENT.



SITE DATA TABLE - 4229 N OCEAN DR. LAUDERDALE BY THE SEA, FL		EXISTING	PROPOSED
LAND USE CATEGORY	HOTEL	SAME	
ZONING CATEGORY	RM-25	SAME	
USE	HOTEL	SAME	
LOT AREA	20,277 SF (0.4655 AC)	SAME	
20,277 SF / 871 SF = 23 hotel units			
	REQUIRED	PERMITTED	PROPOSED
Density: # of Units units/ acre	50 hotels rooms / acre (without range)	13 hotels rooms	23 hotels rooms
Building Information:			
Building Height	33 FT	24 FT	SAME
Building Length		150 FT	SAME
Setbacks			
Front	25 FT	24.97 FT	SAME
Rear	10 FT	19.93 FT	SAME
Side	10 FT	8.13 FT	SAME
Ground Floor Coverage		4,835 SF	SAME
Total Bldg Sqare Footage		9,333 SF	SAME
Pervious Area		6,586 SF	SAME
Impervious Area		8,856 SF	SAME
VUA (paved) Area		8,856 SF	SAME
VUA Landscape Area		6,064 SF	SAME
Parking: 1/DU			
Handicap	1	1	1
Standard	15	16	15
Compact	5 (25% max.)	6	
Bike Racks	3 (15% max.)	0	3
Total	24	23	24
Credits			
Notes: Three Bike Racks (4 bicycle parking spaces each) provided in lieu of parking space.			



Seal of Project Architect

Edgar Gonzalez - AR98036

Eddie Seymour - AR99062

CONSULTANTS:

MECH. ELECT. PLUMB ENGINEER:
RM2 ENGINEERING & DESIGN, LLC
3389 SHERIDAN STREET, #530
HOLLYWOOD, FL 33021
PH: 786-519-2985
EMAIL: info@rm2eng.com

Project Owner:
MARIA POPRAWSKI
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project:
**HORIZON BY
THE SEA**

Project Address:
**4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308**

PROJECT OF ANY REQUIRED WORK, THE	Project Number:
	21098
	Sheet Name:
	SITE PLAN

Sheet Origin Date:
10/8/2021

Sheet Issue Date:
1/12/2021

[illegible]

Submittal Type:
PERMIT SET 100%

AND VERIFY ALL C

Drawn By:
EG

Checked By: EG

Scale:
AS NOTED

Sheet Number: **A100**

A100



Design
Planning
Architecture
PO BOX 971429
MIAMI, FL 33197
www.thefluxarchitects.com
P: 305.707.8288

Seal of Project Architect
Eddie Seymour - AR95062

Consultants:
MECH. ELECT. PLUMB ENGINEER:
RM2 ENGINEERING & DESIGN, LLC
3389 SHERIDAN STREET, #530
HOLLYWOOD, FL 33021
PH: 786-519-2965
EMAIL: info@rm2eng.com

Project Owner:
MARIA POPRAWSKI
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project:
HORIZON BY THE SEA

Project Address:
4229 N OCEAN DR.
LAUDERDALE BY THE SEA,
FL 33308

Project Number:
21098

Sheet Name:
PROPOSED FLOOR PLAN

Sheet Origin Date:
10/8/2021

Sheet Issue Date:
1/12/2021

Revisions:
No. Description Date
01 ZONING COMMENTS 12/15/2021

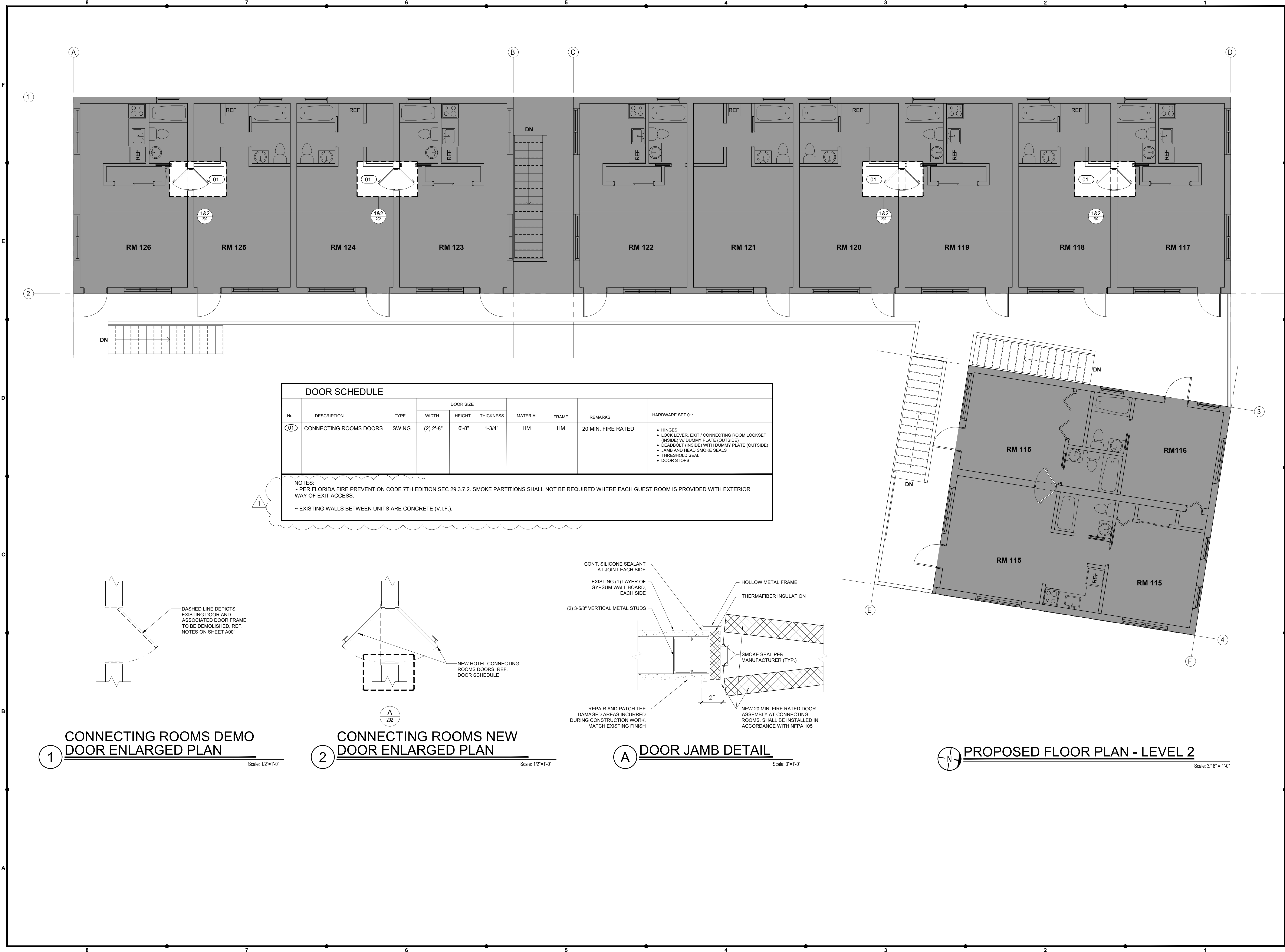
Submittal Type:
PERMIT SET 100%

Drawn By:
EG

Checked By:
EG

Scale:
AS NOTED

Sheet Number:
A202



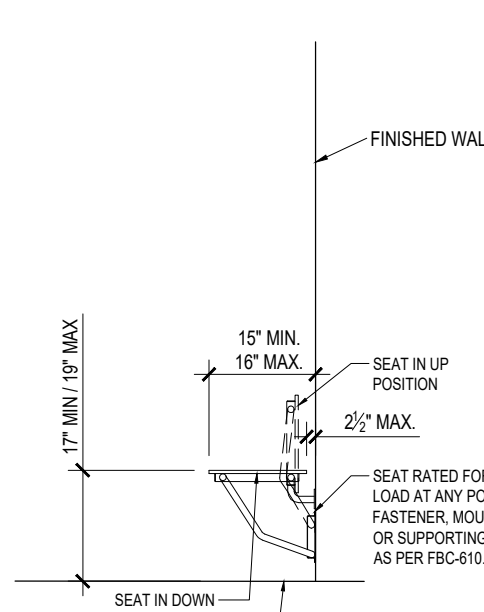
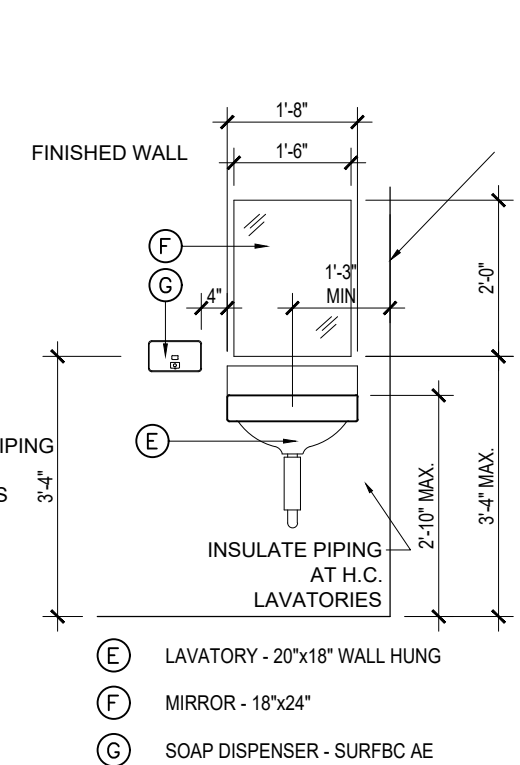


FIGURE 306.3 KNEE CLEARANCE



(E) LAVATORY - 20"x18" WALL HUNG

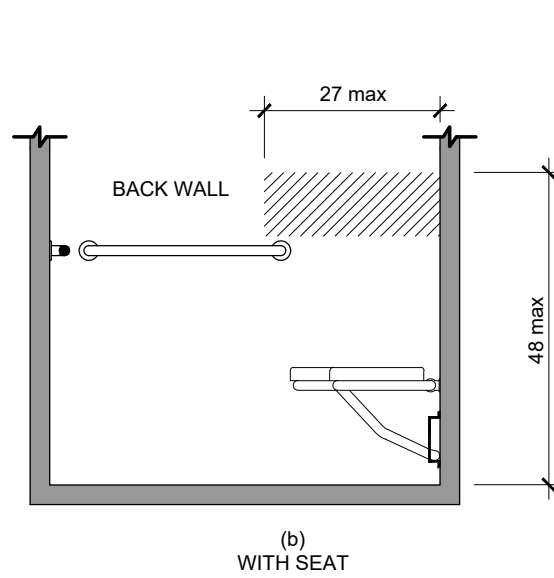


FIGURE 608.5.2 STANDARD ROLL-IN TYPE SHOWER COMPARTMENT CONTROL LOCATION

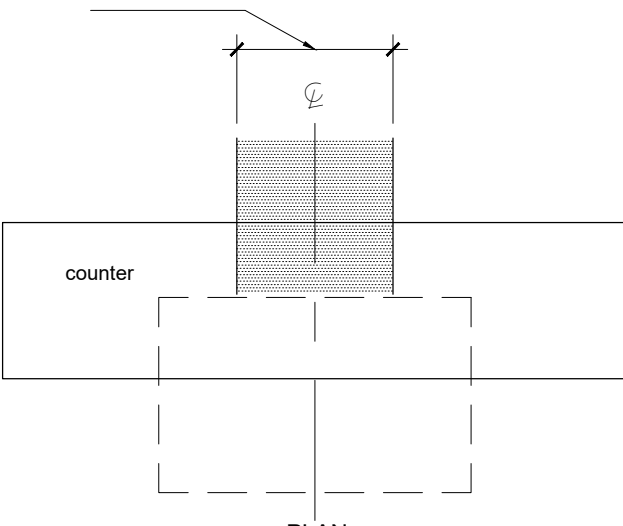
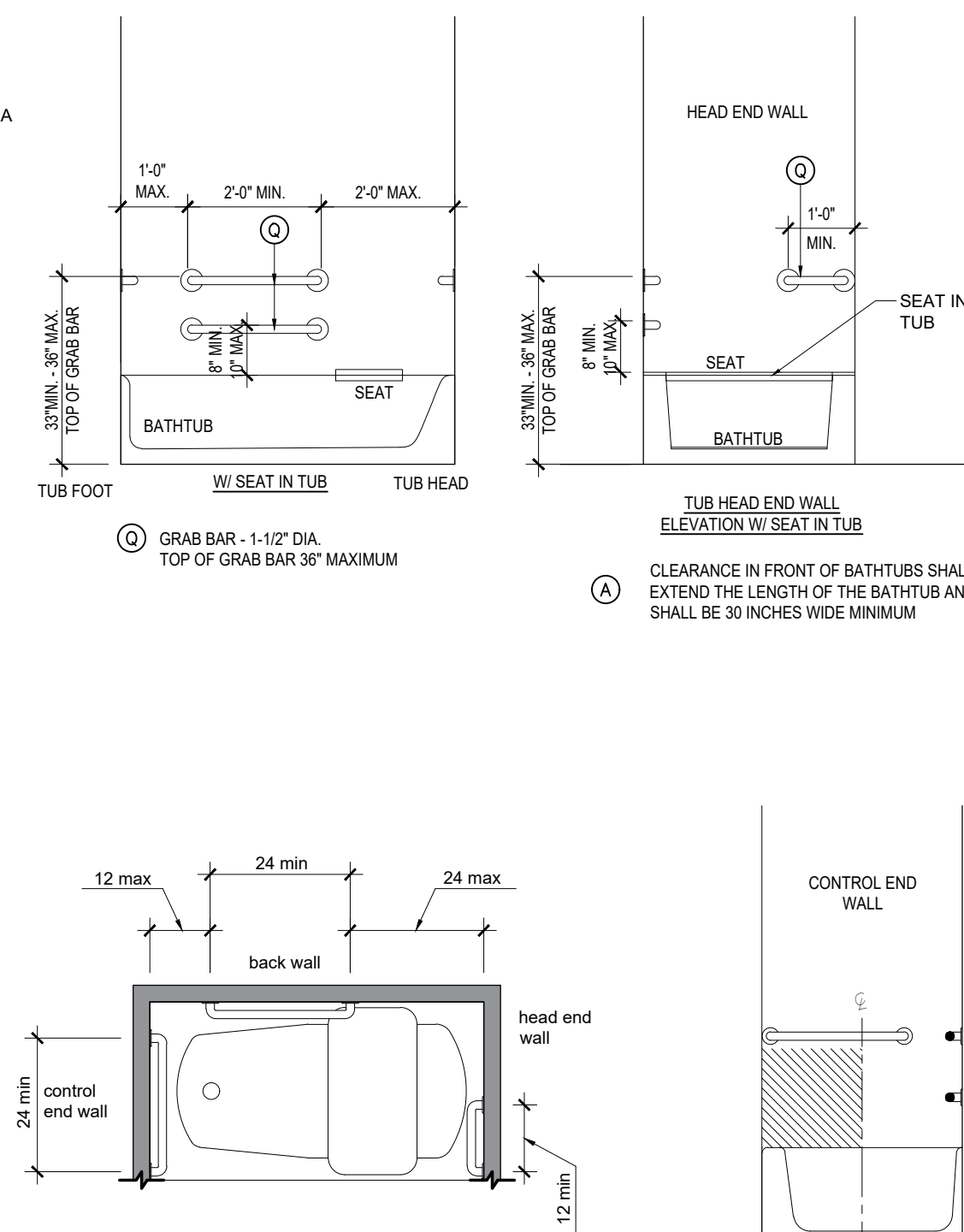
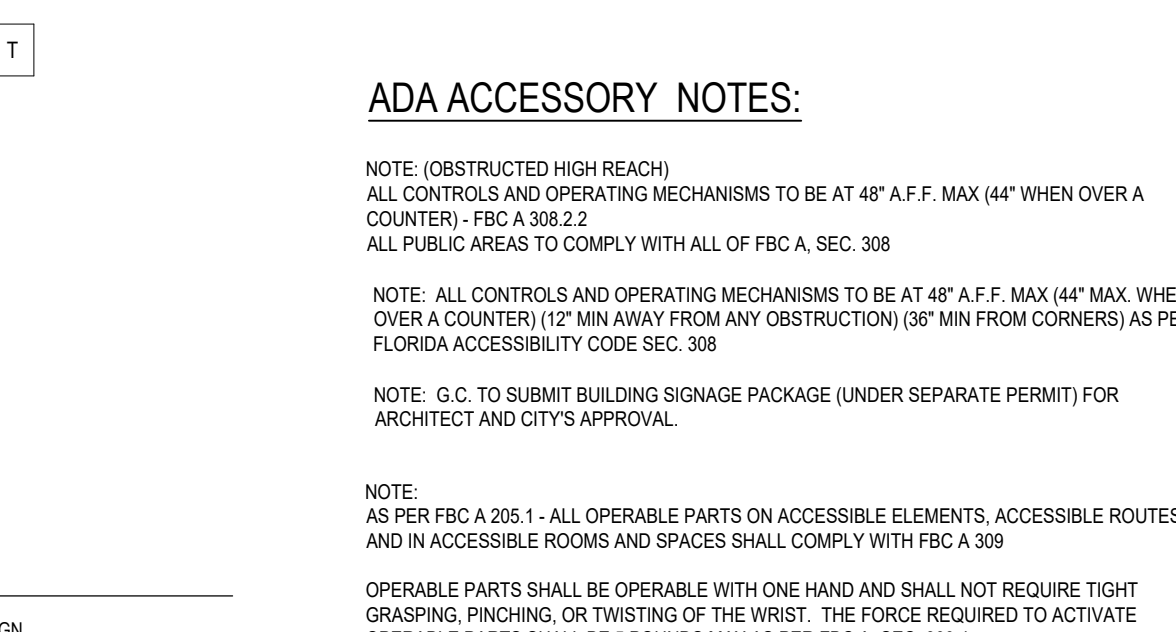


FIGURE 904.4 (EXCEPTION) ALTERATION OF SALES AND SERVICE COUNTERS



**FIGURE 607.5 BATHTUB
CONTROL LOCATION**

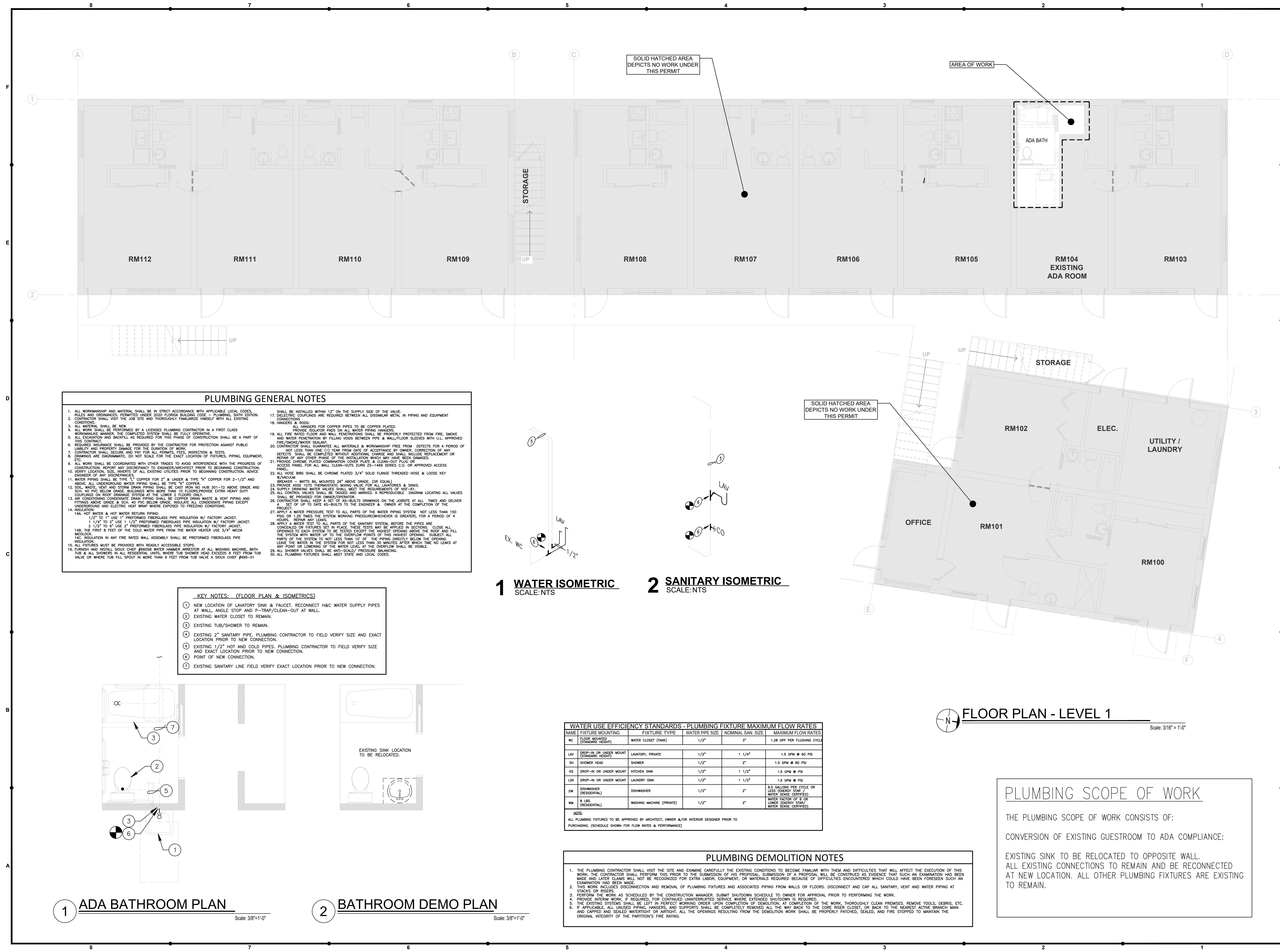


ELECTRICAL and ACCESSORY MOUNTING HEIGHTS

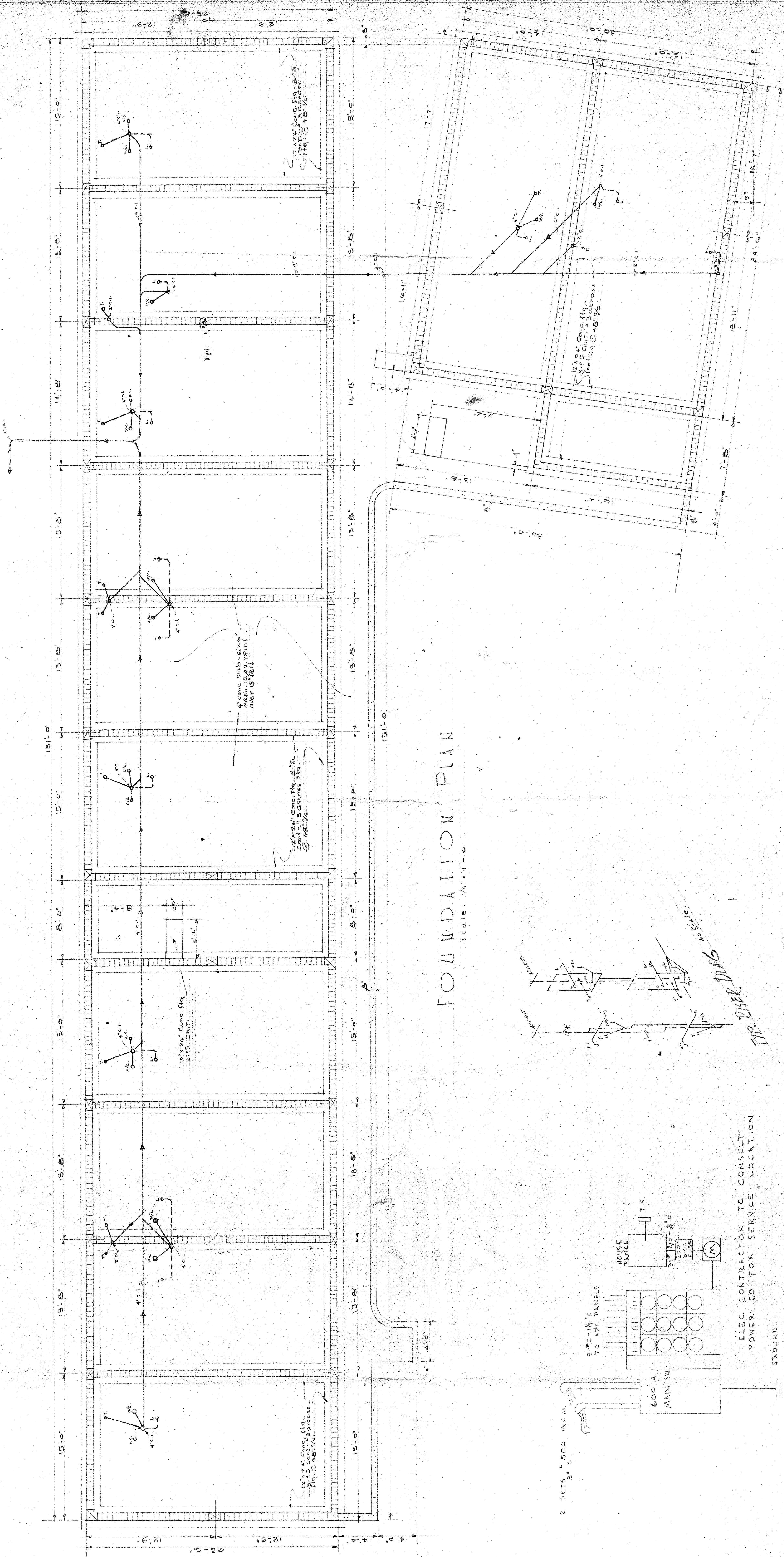
OPERABLE PARTS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING, OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE

1. BUILDING ENTRANCE SHALL BE ON AN ACCESSIBLE ROUTE WITH NO CHANGE IN LEVEL OF MORE THAN 1/4" ALONG ROUTE.
2. ALL DOORS ON ACCESSIBLE ROUTES SHALL COMPLY WITH 2003 ANSI A117.1 CHAPTER 4, SECTION 404 DOORS AND DOORWAYS TYPICAL. EXCEPTION: IN RESIDENTIAL UNITS DOORS ONLY NEED TO COMPLY WITH THE PUBLIC SIDE OF THE UNIT ENTRY DOOR.
3. LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND OTHER ENVIRONMENTAL CONTROLS ARE TO BE LOCATED WITH OPERABLE PARTS NO HIGHER THAN 48" A.F.F. AND NO LOWER THAN 15" ABOVE FINISHED FLOOR. IF REACH IS OVER AN OBSTRUCTION, SUCH AS A CABINET, HEIGHT SHALL BE 44" FOR FORWARD APPROACH NOTE: OBSTRUCTIONS MAY NOT EXTEND MORE THAN 25" FROM WALL.)
4. ADA LAVATORY COUNTERTOP HEIGHT TO BE 34" A.F.F. WITH A MINIMUM CLEARANCE OF 27" A.F.F. KNEE CLEARANCE TO THE BOTTOM OF THE APRON. ALL LAVATORIES TO HAVE SKIRTS. WATER SUPPLY AND DRAIN PIPES UNDER LAVATORIES AND SINKS SHALL BE INSULATED.
5. FAUCETS TO BE LEVER OPERATED, PUSH, TYPE OR ELECTRICALLY CONTROLLED MECHANISMS. IF SELF-CLOSING VALVES ARE USED THE FAUCET SHALL REMAIN OPEN FOR AT LEAST 10 SECONDS.
6. WATER CLOSET AND URINAL FLUSH CONTROLS MUST BE 44" MINIMUM A.F.F. CONTROLS SHALL BE HAND OPERATED OR AUTOMATIC. CONTROLS MUST BE OPERABLE WITH ONE HAND AND MUST NOT REQUIRE TIGHT GRASPING PINCHING OR TWISTING OF WRIST. FORCE REQUIRED TO ACTIVATE CONTROLS MUST NOT BE GREATER THAN 5 LBS.

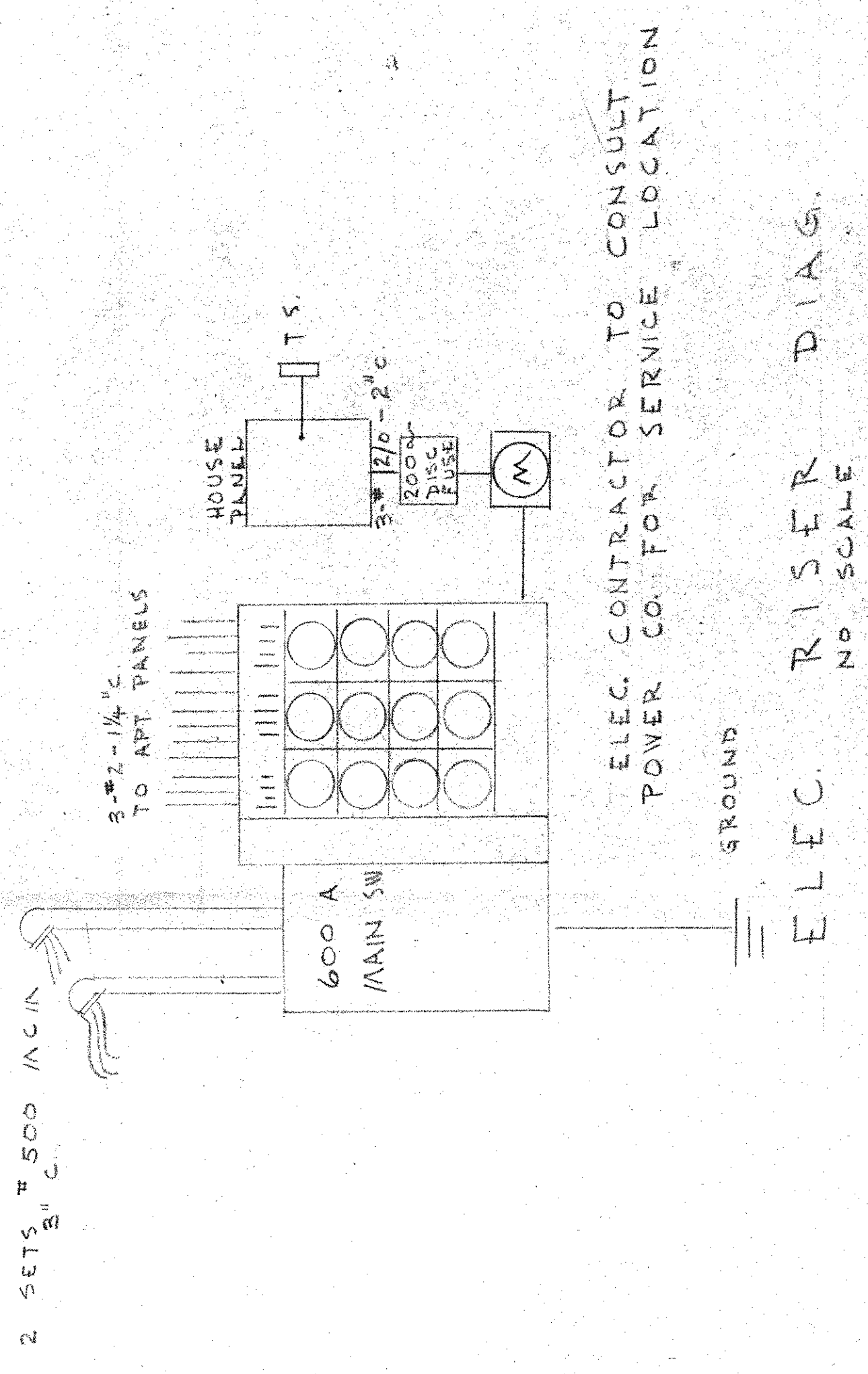
7. ACCESSIBLE TOILET AND BATHROOM MUST BE IDENTIFIED BY A SIGN SHOWING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY.
8. SWITCHES AND THERMOSTATS SHALL BE LOCATED ADJACENT TO A WALL EDGE OR A DOOR JAMB. SWITCHES SHALL BE GANGED WHEREVER POSSIBLE.
9. BLOCKING FOR GRAB BARS SHALL BE 2 x 8 x 2". WOOD BACKING FASTENED TO MTL STUDS AND RESIST A MAXIMUM OF 500 LBS. OF FORCE IN ANY DIRECTION. BLOCKING SHALL BE SECURELY FASTENED TO NOT LESS THAN TWO STUDS.
10. BLOCKING FOR MILLWORK SHALL BE 2 x 8 x 2". WOOD BACKING FASTENED TO MTL STUDS AND RESIST A MAXIMUM OF 500 LBS. OF FORCE IN ANY DIRECTION. BLOCKING SHALL BE SECURELY FASTENED TO NOT LESS THAN TWO STUDS.
11. ALL ACCESSIBLE FACILITIES ON THESE PLANS HAVE BEEN DESIGNED TO MEET ALL STATE, COUNTY, AND MUNICIPALITY CODES APPLICABLE.
12. IN LIEU OF THE FACT THAT ALL ACCESSIBILITY CODES CHANGE AND ARE INTERPRETED DIFFERENTLY BY AND/OR WITHIN EACH AND EVERY JURISDICTION HAVING AUTHORITY OVER THE SAME, AND THAT DESIGNING SUCH FACILITIES IS IMPOSSIBLE IN THAT THE CODES AND THEIR INTERPRETATIONS CHANGE CONSTANTLY, IT SHALL BE REQUIRED THAT THE CONTRACTOR DETERMINE, PRIOR TO CONSTRUCTION OF ACCESSIBLE FACILITIES, EXACTLY WHO WILL BE THE FINAL AUTHORITY REGARDING THE DESIGN. THE CONTRACTOR SHALL REVIEW ALL ACCESSIBLE FACILITIES SHOWN ON THESE PLANS WITH THE FINAL AUTHORITY AND NOTIFY THE ARCHITECT OF ANY REQUIRED CHANGES. THIS NOTIFICATION IN WRITING, SHALL HAVE THE MARK OF THE FINAL AUTHORITY INCLUDING BUT NOT LIMITED TO: NAME, TITLE, ADDRESS, PHONE NUMBER, AND SIGNATURE.







FOUNDATION PLAN
Scale: 1/4" = 1'-0"

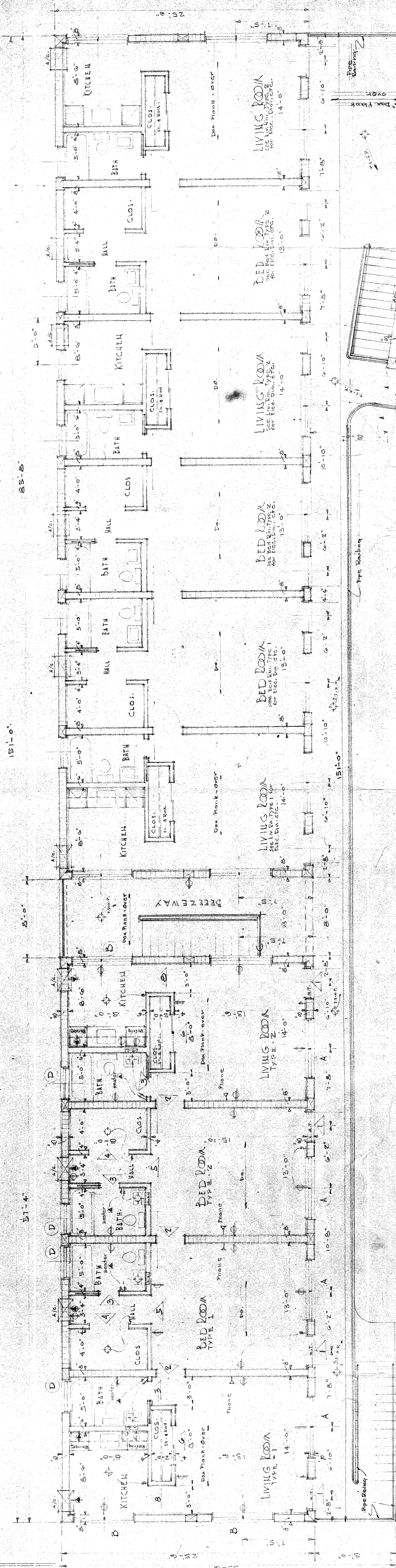


ELEC. CONTRACTOR TO CONSULT
POWER CO. FOR SERVICE LOCATION

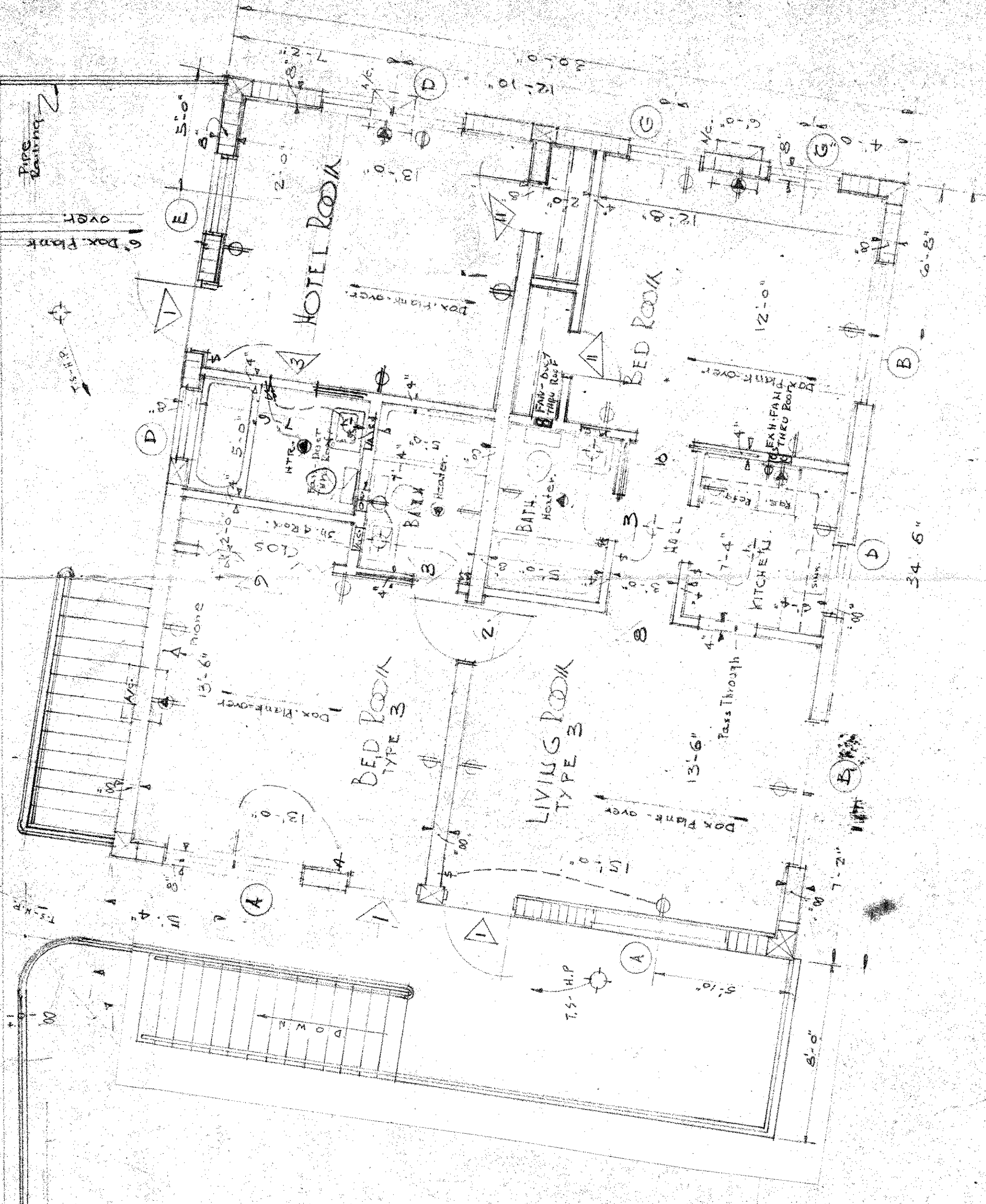
ELEC. RISER DIAG.
NO SCALE

	APARTMENT BLDG.	SHEET	2	OF	5
	FOR	DATE	JAN 5, 1964		
	MANDELL P. WEAVER	DRAWN BY	B. J. DUNN		
	1427 N.E. 26th ST. - WILTON MANORS, FLORIDA	CHECKED BY	M. J. B.		
	K. P. DUNN - ARCHITECT	DATE	1/18/64		

S. J. DUNN - ARCHITECT	DATE	1/18/64		
1427 N.E. 26th ST. - WILTON MANORS, FLORIDA	64-35			

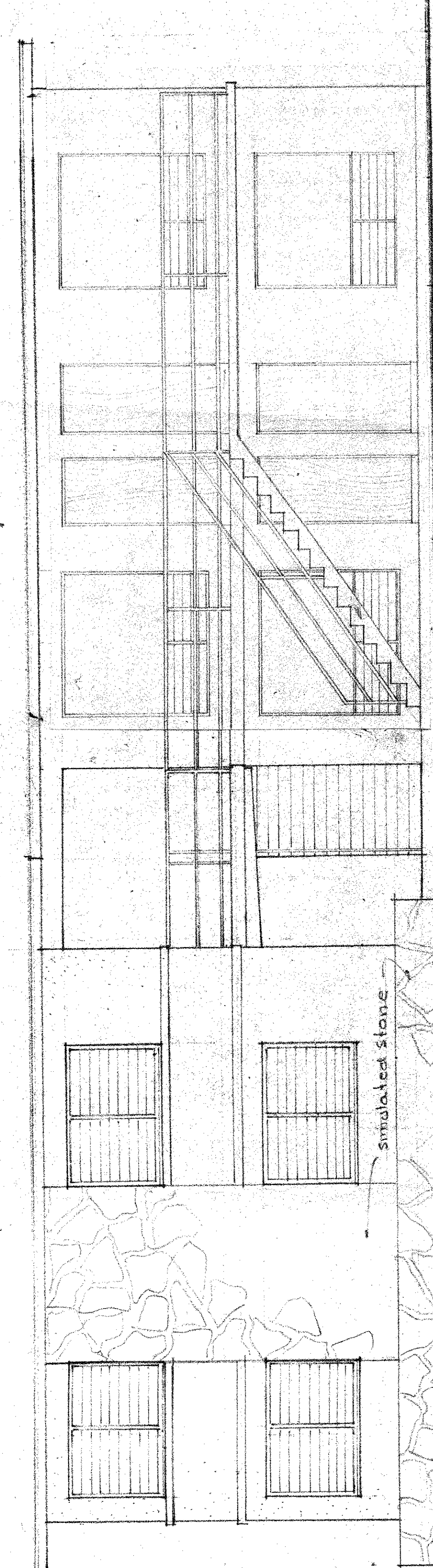


SECOND FLOOR PLAN
scale: 1/4" = 1'-0"

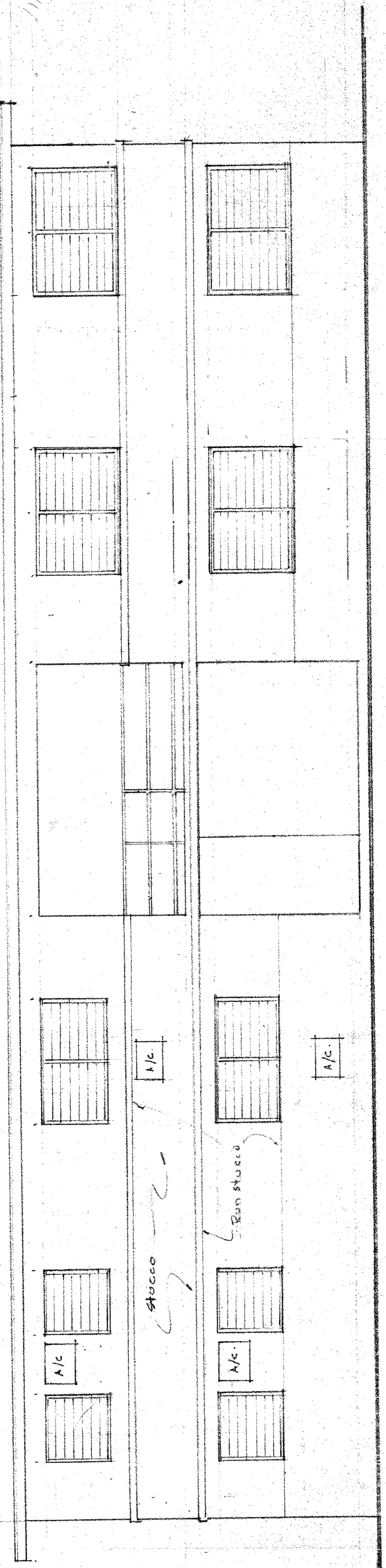


APARTMENT BLDG.	SHEET	4 OF 5
	DATE	JUNE 5, 1944
WADELL D. WEAVER	DRAWN BY	BRONKHORST
WILMINGTON, DELAWARE	CHECKED BY	W. E. P.
A. R. DURGRAF - ARCHITECT	DESIGNED BY	W. E. P.
SUBURGUTHER-CONST. CONSULTANT	CONSTRUCTED BY	W. E. P.
1427 N. E. 26th ST. WILTON MANORS, FLA. 10, 6251	FORT LAUDERDALE, FLORIDA	

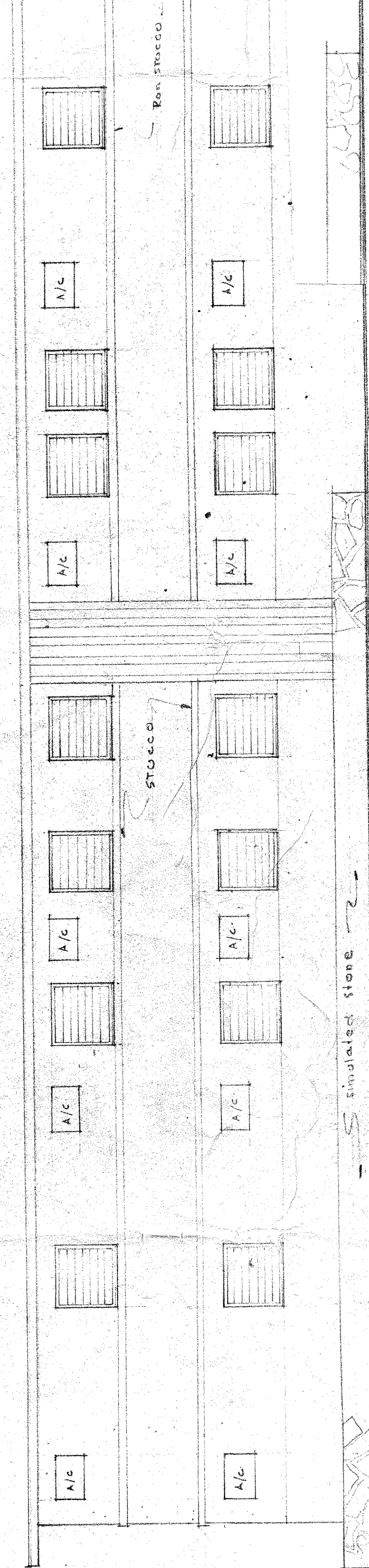
64-35



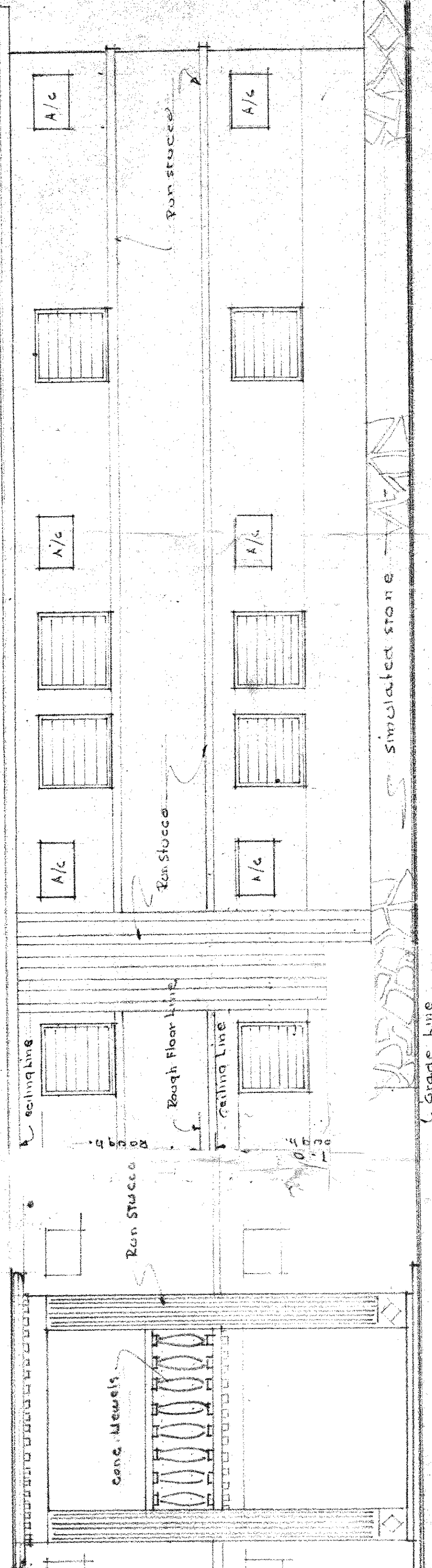
SOUTH ELEVATION
scale: 1/4"=1'-0"



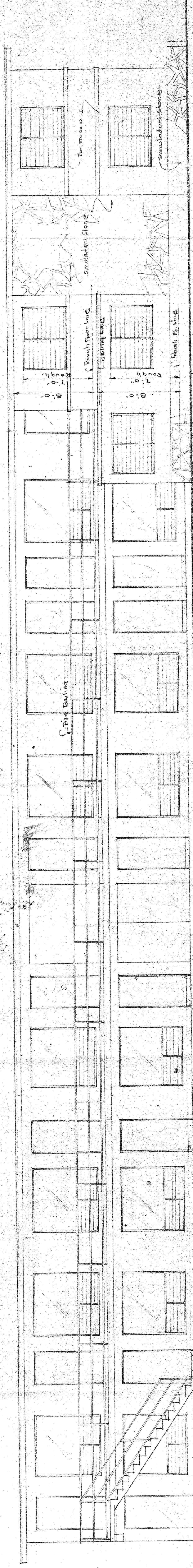
NORTH ELEVATION
scale: 1/4"=1'-0"



WEST ELEVATION
scale: 1/4"=1'-0"



EAST ELEVATION
scale: 1/4"=1'-0"



SOUTH ELEVATION
scale: 1/4"=1'-0"

Frederick R. Dwyer, Archt.

Revised June 9/64

APARTMENT BLDG.
VANDELL B. WEAVER
STATE ROAD A-1-A
LAUDERDALE-BY-THE-SEA, FLORIDA.
A.P. BURGGRAB - ARCHITECT
S.J. BURGGRAB - CONSULTANT
1427 N.E. 26th ST. WILTON MANORS, FLORIDA.
Sheet 5 of 5
Date June 5/64
Drawn by S.S.B.
Checked by M.P.B.
J.S.B.

THIS PLAN CONSISTS OF 6 NUMBERED SHEETS.
EACH SHEET BEING IDENTIFIED BY THE SIGN OF
THE SUPERVISOR. THE ARCHITECT IS HEREBY ADVISED
THAT THE CITY OF SAN FRANCISCO HAS THE RIGHT
OF REVIEW AND APPROVAL OF ALL PLANS AND
OF THE SAME. THESE PLANS WILL BE COMPLETED BY
THE ARCHITECT.

PERMIT
NUMBER 9465
DATE 7/2/64

WILLIAM G. CAMPBELL
SUPERVISOR
NO. 7
Permit No. 9465

CONSTRUCTION IS COMPLETED
AT 525-4000 FOR FORTH 1001
2nd Assistant Commission License.

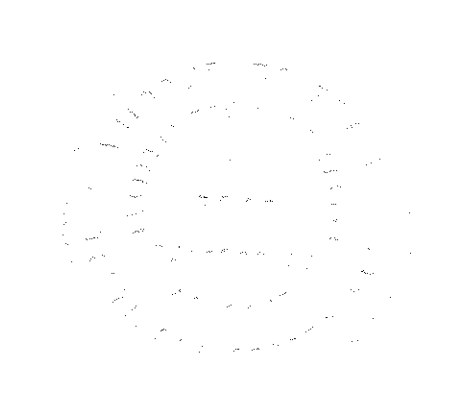
6-26-64
DATE
APPROVED FOR BROWARD COUNTY HEALTH DEPT.
WITH RESPECT TO SEWAGE DISPOSAL

H. C. H. H. H.
SANITARIAN

THIS APPROVAL NUMBER F-1204
IS VALID FOR ONE YEAR ONLY. RESIDENT PLANS
IF NOT CONSTRUCTED WITHIN THIS PERIOD.

PROVISIONS: Connection shall be
made to sanitary sewer as soon
as it is available.
Drainfield must be in unopened area.
This approval is void if unopened
area is used.

Approved
BUILDING INSPECTION DEPT.
INSPECTION
WILLIAM G. CAMPBELL
DATE 7/2/64



HORIZON BY THE SEA INN CITIZEN PARTICIPATION MEETING MINUTES



Exhibit 3

Date: 15th March 2022

Time: 6:30 PM

Facilitator: Horizon by the Sea Inn

Members:

Owner 1 - Maria Poprawski, Owner 2 - Krzysztof Poprawski, Lauderdale-By-The-Sea Planner – Susan Leven, Real Estate Agent – Ahmad Al-Khafaji, Monika

Time	Item	Member
6:35	Welcome	Ahmad
6:37	Discussing the reason of the meeting, answering questions to the audience (2 people turned up)	Ahmad
6:50	All the questions were answered and there were no concerns or objections raised, audience encouraged the proposal	Ahmad & Susan
7:00	Meeting ended	Ahmad & Susan

On Tuesday, March 15, 2022, at 6:30pm, a citizen participation meeting was held in Jarvis Hall. The applicants and their representatives were present, as well as Town staff. Two people attended the meeting – one represented a direct abutter to the project seeking additional information on the proposed changes to the subject property. The other attended to observe the citizen participation process. The presentation of the project and response to questions on the project and the review process was completed at approximately 6:45pm. The applicant and Staff remained in the room until 7:00pm, but no other members of the public came in. The meeting was closed at 7:00pm.

DIVISION 10. - NOTICE OF PUBLIC HEARINGS

Sec. 30-139. - Notice of Public Hearings.

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

Exhibit 4

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

Exhibit 4

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
				Website	Posted	Mailed 300'	Published (Ad Type)
Other development permits: administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, variances		10 days	10 days	X	X	X	n/a
Administrative decisions: Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification				n/a	n/a	n/a	n/a
Comprehensive Development Master Plan - Text	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Development Master Plan - Map	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or prohibited uses within a zoning category).	166.041(3)(c)2	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Application Type	Florida Statute Reference	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
				Website	Posted	Mailed 300'	Published (Ad Type)
Land Development Code - all other Text Amendments	166.041	10 days	10 days	X			X (Standard)
Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	X	X	X	X (Standard)

Sec. 30-241. RM-25 district—Apartments and lodging.
(a) *Use.*¹

No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended or designed for any one or more of the following uses:

- (1) *Permitted uses south of Pine Avenue.*
 - a. Apartment house; and
 - b. Hotel.
- (2) *Permitted uses north of Pine Avenue.*²
 - a. Multiple-family dwelling.
 - b. Hotel, motel or timeshare apartment.
 - c. Townhouse.
- (3) *Conditional uses south of Pine Avenue.* The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:
 - a. Single-family residence unless exempted by section 30-242(a)(4);
 - b. Duplex, unless exempted by section 30-242(a)(4); duplex development is subject to the notice requirement of section 30-221(f) (the reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses);
 - c. Group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);
 - d. Church or parish building;
 - e. Office of professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building.
- (4) *Conditional uses north of Pine Avenue.* The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:
 - a. Adult day care.

¹ The term "villa" was deleted from this list of permitted and conditional uses. The term was not defined in either the original Broward County Code or the Town Code and is encompassed within the Town's definition of multi-family dwelling.

² Several "uses" were removed from the regulatory listing for areas in this district north of Pine Avenue because they are already permitted in the district, but addressed elsewhere in the Town Code. The uses removed from this district specific list, and the location of the current Town Code regulatory section are: 1) accessory uses and structures (Town Code chapter 30, section 30-313); 2) home office (Town Code chapter 12, section 12-24); 3) yard sales (Town Code chapter 14.5, article I); 4) outdoor event (Town Code chapter 17, article VIII); 5) wireless communication facilities (Town Code chapter 30, section 30-325); and 6) essential services.

-
- b. Nursing home.
- (5) *Temporary uses.* A temporary real estate sales office may be permitted on a site under the following conditions:
- a. The parcel has an active Town Commission approved site plan or building permit;
 - b. There are adequate parking spaces for the sales use based upon the office parking requirements established in section 30-318 of the Town Code;
 - c. The office does not exceed 1,000 square feet;
 - d. The office is approved by the Town Commission in conjunction with the Commission's approval of the site plan, or by other separate consideration;
 - e. The office shall not be allowed to remain in use for more than six months from the effective date of the temporary office approval or, if applicable, the related temporary office building permit, whichever is later, unless time extensions are granted by the Town Commission.
- (6) *Special accessory uses.*
- a. Hotels, motels and apartment hotels located south of Pine Avenue, with a minimum of 100 dwelling units or more may provide restaurants and gift shops when the uses are an ancillary use to the primary hotels or residential use, subject to the following:
 - 1. The maximum size of floor area of said uses, either individually or in total, shall not exceed 4,000 square feet or five percent of the total building floor area.
 - b. Hotels and motels located north of Pine Avenue may have the following accessory uses:
 - 1. Hotels and motels having 50 or more units may have restaurants and gift shops. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant.
 - 2. Hotels, motels and community residential facilities having 100 or more units may provide retail stores, personal service shops and convention facilities for guests or residents. Such uses shall be located within the principal building(s) and shall only be accessed through the main lobby of the facility.
 - 3. The aggregate gross floor area of all permitted accessory uses shall not exceed 30 percent of the gross floor area of the principal building(s) on the lot.
 - c. Parking shall be permitted as an accessory use.
 - d. Bicycle parking when accessory to a hotel or apartment hotel use, shall be permitted in lieu of providing required off-street parking, as specified in section 30-318, minimum parking requirements, (c) hotels and motels.
 - e. Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.
- (b) *Site plans to be approved.*
- (1) Any development in the RM-25 district shall be permitted only upon review and approval of plans for such development by the procedures provided in article IV of this chapter.
 - (2) In reviewing development plans, the Planning and Zoning Board and Town Commission shall consider the effect of the proposed development on existing and future buildings in the vicinity and may impose conditions and restrictions upon the construction, location and operation of any development, including but not limited to lighting, building, setbacks, off-street parking and loading, vehicular

accessway and landscaping, as may be deemed necessary to promote the general objective of this subdivision and to minimize any injury to the value of the property in the neighborhood.

- (3) All buildings or structures shall be of C.B.S. or reinforced concrete construction and shall be designed with every practical consideration for appearance, safety, fire protection, health, light and air.
- (c) *Height.* No building shall be erected or altered exceeding three stories which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.
- (d) Reserved.
- (e) *Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.
- (f) *Size of buildings.* Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.
- (g) *Buildings facing two streets.* Any building extending from street to street shall have two building fronts, and observe applicable setbacks on both streets with the exception of Block 30 between Datura Avenue and Hibiscus Avenue where the setback on Bougainvillea Drive shall be a minimum of 20 feet.
- (h) **Setbacks.**
- (1) **Front setbacks south of Pine Avenue.**
- a. Except as provided in this subsection, no building shall be set closer than 25 feet to the street line upon which the front of said building shall face, provided that each building shall be considered as having one front, and provided that in no event shall the setback from the front line be greater than 35 feet.
- b. In the case of a building being erected on a lot where there is a building on each of the adjacent lots, the setback need not be greater than that of the building set farthest back from the street line.
- c. In the case of a building being erected on a lot where there is a building on only one adjacent lot, the setback need not be greater than ten feet more than the setback of the adjacent building.
- (2) **Front setbacks north of Pine Avenue.**
- a. Every individual plot used for non-residential uses shall maintain a setback along any street side of at least 30 feet.
- b. Every individual plot used for multiple-family dwellings consisting of three or more dwelling units shall maintain a setback along all street sides of at least 25 feet.
- (3) **Rear setbacks south of Pine Avenue.**
- a. *Structures east of El Mar Drive.* No part of any building or seawall on the east side of El Mar Drive shall extend eastward from El Mar Drive to a distance greater than the distance specifically shown for the respective lots in the tabulation set out in this subsection:

Block	Lot	Feet
1(A)	1	137
	2	137
	3	137
	4	137
	5	137
	6	137
	7	137
	8	138
	9	139
	10	140
	11	141
2	1	146
	2	146
	3	146
	4	146
	5	146
	6	146
	7	146
	8	146
	9	147
	10	148
	11	149
	12	150
3	1	152
	2	153
	3	154
	4	155
	5	158
	6	161
	7	164
	8	167
	9	170
	10	173
	11	177
	12	178
4	1	179
	2	184
	3	189
	4	194
	5	199
	6	200
	7	200
	8	200
	9	201
	10	201
	11	201

	12	201
5	7	201
6	7	201
7	1	210
	2	203
	3	196
	4	192
	5	188
	6	184
	7	179
	8	173
	9	167
	10	161
	11	155
	12	149
	13	143
8	1	138
	2	131
	3	125
	4	125
	5	125
	6	125
	7	121
	8	117
	9	113
	10	109
	11	105
	12	101
	13	106
	14	111
	15	117
	16	122
	17	127
9	1	136
	2	136
	3	136
	4	136
	5	136
	6	136
	7	136
	8	136
	9	136
	10	137
	11	138
	12	139
	13	140
	14	140

	15	142
	16	143
	17	144

- b. *All other structures south of Pine Avenue.* No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line, provided that where the height of the building exceeds 22 feet, the ten-foot minimum setback shall be increased by one foot for each four feet by which the height of the building exceeds 22 feet.
- (4) *Rear setbacks north of Pine Avenue.* No building or any part thereof shall be erected on any lot closer than five feet from the rear lot line.
- (5) *Rear oceanfront setbacks.* Notwithstanding the setback requirements hereinbefore specified, all new buildings or additions to existing buildings shall be located a minimum of 50 feet landwards of the mean high waterline of the Atlantic Ocean, as required by the Florida Department of Environmental Protection.
- (6) *Side setbacks south of Pine Avenue.*
 - a. *Corner setback.* For a corner lot, the setback from the side street line shall be not less than ten feet, provided that if the height of the building exceeds 22 feet the setback shall be 15 feet.
 - b. *Side setbacks.* Side setbacks shall not be less than ten feet, with the proviso that if the height of the building exceeds 22 feet, the ten-foot setback shall be increased by one foot for every two feet by which the height of the building exceeds 22 feet.
 - c. *Waterfront setback.* No residence or accessory building thereof shall have a rear or side setback abutting the Intracoastal or an inland waterway, of less than 12 feet from the property line.
- (7) *Side setbacks north of Pine Avenue.*
 - a. *Corner setback.* For a corner lot, the setback from the side street shall be not less than 25 feet.
 - b. *Side setbacks.* Side setbacks shall not be less than 20 feet.
- (8) *Roof overhangs.*
 - a. *Front roof overhangs, cornices, eaves or balconies may encroach into the front yard setback no more than five feet.*
 - b. *Side roof overhangs, cornices, eaves or balconies may not encroach closer than five feet to the side property line.*
 - c. *Rear roof overhangs, cornices, eaves or balconies shall not extend closer than two feet to the rear property line.*
- (i) *View corridors.* Oceanfront development and redevelopment located east of El Mar Drive shall create and preserve view corridors to the ocean.
 - (1) *Location and size.*
 - a. All side setbacks shall be designed as view corridors;
 - b. A site shall provide view corridors that are no less than one foot in width for each ten feet of building length, provided that no view corridor shall be less than ten feet wide or if the property's side setback is less than ten feet, the width of the side setback;
 - c. There shall be a view corridor provided on each side of each principal building on a multi-building site.

-
- (2) *View requirements.* View corridors shall maintain a clear view from four feet to 12 feet above ground and shall be unencumbered with any structure, roadway, off-street parking area or landscaping that blocks the viewpoint of a pedestrian from the El Mar Drive right-of-way.
- The view corridor shall extend the full east to west length of the site.
 - Bridges or corridors that are not fully enclosed and architectural features including roof overhangs that are 12 feet or more above ground shall be allowed within view corridors.
 - There shall be no accessory structures, furniture, umbrellas, opaque fences, hedges or ground foliage, whether temporary or permanent in nature, in excess of four feet in any view corridor.
 - All trees in the view corridor over four feet in height shall provide a clear trunk space of a minimum of 12 feet.
- (j) *Length of building.*
- No building shall be erected or altered to a length exceeding 200 lineal feet.
 - Bridges or corridors that are 12 feet or more above ground and are not fully enclosed shall not be counted towards the maximum building length if the buildings that they connect are at least ten feet apart.
- (k) *Density and lot area.*
- Required lot area shall be at least 1,742 feet per multiple-family kitchen dwelling unit and at least 871 square feet per hotel room (1,742 square feet for condominium).
 - Every individual lot north of Pine Avenue shall have at least one side which has a minimum dimension of 60 feet. The plot line which provides access to the plot must be a minimum of 19 feet.
 - The minimum lot size for all permitted non-residential uses north of Pine Avenue shall be one net acre, with a minimum street frontage of 150 feet.
 - Existing non-residential buildings on lots which are less than one net acre or do not meet the minimum street frontage may be expanded provided the expansion meets all requirements for setbacks, off-street parking, landscaping, and all other development standards in effect at the time of site plan submittal for the expansion.
 - Net density of development shall not exceed 25 kitchen dwelling units or 50 hotel rooms per acre of site (25 units per acre for condominiums and apartments).
 - In computing the permissible number of units for a given site, one-half or more of a unit shall be counted and permitted as a full unit in meeting density limits.
 - The square footage defined herein is intended to prohibit the flexibility of rental units constructed in RM-25 zoned areas contrary to the intent of the zoning code. Each unit or room with an attached bath and separate door leading to the outside or to a corridor, alley, or other outside exit shall be considered one rental accommodation unit.
 - Maximum density for category 3 community residential facilities shall be calculated as two bedrooms equals one dwelling unit.
- (l) *Number of buildings.* Construction shall be limited to one building on lots of 80 feet or less in width.
- (m) *Minimum building and dwelling unit sizes.*
- South of Pine Avenue.* No building shall be erected on any lot, not a waterfront lot, which does not comprise at least 1,200 ground floor square feet of floor space, exclusive of utility rooms, porches, garages and/or carports; and no building shall be erected on any waterfront lot, the main structure of

which does not comprise at least 1,300 ground floor square feet of floor space, exclusive of utility rooms, porches, garages, and/or carports.

(2) *North of Pine Avenue.* The following minimum floor areas per dwelling unit shall be provided:

a. Multiple-family: 600 square feet.

Efficiency: 400 square feet.

b. Hotel room: 200 square feet.

(n) *Maximum lot coverage north of Pine Avenue.* The combined area occupied by all buildings and roofed structures on lots located north of Pine Avenue shall not exceed 40 percent of the lot area.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 473, § 2, 5-22-01; Ord. No. 03-507, § 2, 2-25-03; Ord. No. 03-526, § 2, 10-28-03; Ord. No. 2005-19, § 2, 12-13-05; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2009-19, § 7, 5-26-09; Ord. No. 2009-30, § 6, 12-1-09; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2011-09, § 4, 5-24-2011; Ord. No. 2012-06, § 2, 3-27-2012; Ord. No. 2012-15, § 3, 10-9-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2015-04, § 2, 3-24-2015; Ord. No. 2015-13, § 2, 10-13-2015; Ord. No. 2016-01, § 5, 2-9-2016; Ord. No. 2017-05, § 3, 4-25-2017; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017; Ord. No. 2018-23, § 2, 6-12-2018; Ord. No. 2018-27, § 2, 10-23-2018)

Sec. 30-314. - Off-street parking; general requirements.

- (a) *Purpose.* The purpose of the following sections is to provide off-street parking provisions which are intended for and in the interest of the citizens of the Town of Lauderdale-By-The-Sea. These sections shall be construed to be the minimum requirements for the promotion of the public health, safety, moral and general welfare of the community.
- (b) *Scope.*
- (1) Any building, structure, or use instituted with the Town of Lauderdale-By-The-Sea after March 14, 1995 shall provide off-street parking facilities in accordance with the provisions of these sections for the use of occupants, employees, visitors and/or patrons thereof. Such off-street parking facilities shall be maintained and continued as long as the uses are continued.
 - (2) Any building, structure or use, instituted or erected prior to the effective date of these sections need not provide additional off-street parking facilities in accordance with the provisions of these sections provided that such existing buildings, structures or uses are not altered so as to enlarge or increase the capacity, floor area or seats therein.
 - (3) When an existing building or structure is expanded to increase the floor area or seats or to otherwise increase the capacity of the building or structure, the provisions of these sections shall apply to the increased floor area, seats or increased capacity only.
 - (4) When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections.
 - (5) The provisions of subsections (b)(3) and (b)(4) are provided to allow for the orderly expansion and re-use of existing buildings and structures. Additionally, applicants requesting an expansion in floor area, seat or capacity or a change in use are encouraged to pursue other options for the provision of required parking available in these sections.
 - (6) It shall be unlawful for an owner or operator of any building, structure or use affected by these sections to discontinue, change or dispense with, or to cause discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of these sections. All such alternative vehicle parking facilities must be approved by the Town Manager or his designee, in writing, before the same may be used. It shall be unlawful for any person, firm or corporation to utilize such buildings, structure or use without providing the off-street facilities to meet the requirements of and be in compliance with this chapter.
 - (7) An otherwise conforming existing hotel building, or a legal nonconforming existing hotel building permitted to rebuild under section 30-137 or the Town Charter, may be rebuilt or redeveloped as a hotel, according to the applicable provisions of this code and shall retain its parking credits pursuant to subsection [b](4) above. Any increase in floor area, or change of use, shall be subject to the additional parking requirements of this Code.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2014-13, § 2, 10-28-2014)

Sec. 30-315. - Requirements for general commercial uses.

- (a) *Fractional measurements.* When units or measurements determining number of required off-street parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space.
- (b) *Mixed uses.* In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately. Off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use except when a Shared Parking Study is approved by the Town Commission, as provided in section 30-320.

- (c) *Measurement.* For the purposes of these sections, floor area shall mean the gross floor area inside of the exterior walls.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011)

Sec. 30-316. - Plans.

Plans shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under these sections, which plans shall clearly and accurately designate the required parking spaces, access aisles and driveways, entrances and exits, adequate drainage, lighting, curbs and curb cuts, surface materials used thereon, and relation to the uses or structure these off-site parking facilities will intend to serve. Said plans to be developed in accordance with the site plan design criteria included in section 30-122(a)(1) of the Town Code.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2014-13, § 2, 10-28-2014)

Sec. 30-317. - Design standards.

- (a) The minimum size (in feet) for parking stalls shall be as follows:

Compact space: 8 × 15

Handicap space: 12 × 18

Loading space: 10 × 25

Standard space: 9 × 18

Neighborhood/Low speed vehicle space: 8 × 11

Tandem Employee/valet space: 8½ × 18 for each vehicle with a maximum stacking of 2 vehicles (36 feet)

Parallel space: 8½ × 20

- (b) A maximum of 25 percent of all parking spaces can be compact spaces provided they are specifically designated and designed for "compact only" and the layout is approved by the Town Commission.
- (c) Parking layout and design criteria is provided in section 30-122 (a)(1) of the Town Code.
- (d) Stalls shall be provided with bumper guards, wheel stops, or continuous curbing when necessary for safety or protection to adjacent structures or landscaped areas.
- (e) *Composition and amortization.*
- (1) Business and multi-family zoning districts. All parking areas, excluding RS4, RS5 and RD10 zoning districts shall be surfaced with brick, pervious brick, asphaltic, or concrete surfacing maintained in a smooth, well-graded condition according to the regulations of this chapter.
 - (2) Residential and duplex zoning districts. All parking areas (i.e. driveways) for RS-4, RS-5 and RD-10 zoning districts are regulated under section 30-313 General provisions (k) Standards for driveways for single-family and two-family (duplex) dwellings.
 - (3) Amortization. All parking facilities in the B1 and B1A zoning districts shall comply with subsection (1) above no later than January 1, 2016.
- (f) *Drainage.* All off-street parking facilities shall be drained so as to not cause any nuisance on adjacent or public property. Such drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles with standards set forth according to the Land Development Code.

- (g) *Identification.* Each parking space required and provided pursuant to the provisions of these sections shall be distinguished and separated from adjoining parking spaces by means of three-inch painted stripes. It shall be the responsibility and obligation of the owner or operator of any building, structure or use affected by these sections to maintain such identification markings so that parking spaces at all times are distinguishable from one another.
- (h) *Back-out parking prohibited.* Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A1A shall be prohibited for all new development and re-development of any properties adjacent to State Road A1A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "redevelopment" shall be defined as alterations that result in the demolition of more than 50 percent of the total existing ground floor building area on the site.
- (i) *Lighting.* All off-street parking facilities serving multiple-family residential developments containing eight or more dwelling units and serving all non-residentially zoned or used properties shall be illuminated in accordance with the following standards.
- (1) For the purpose of this subsection, open-air parking areas shall include the parking surface of open parking lots and accessways thereto at grade level. Enclosed parking facilities shall include multi-level parking garages and enclosed grade level parking facilities.
- (2) Intensity of illumination:
- Open-air parking areas shall provide an average illumination intensity of one footcandle equal to one lumen per square foot, and shall be well distributed on the pavement areas and pedestrian walkways; however, at no point shall illumination be less than one-quarter of a footcandle.
 - Enclosed parking areas shall provide an average illumination intensity of 50 footcandles at the entrance, ten footcandles in traffic lanes and five footcandles in vehicle parking areas.
 - Automatic teller machines (ATM) shall be provided with a maintained minimum of three footcandles of light measured at grade level. Parking areas that serve the ATM must also meet the three footcandle standard.
 - The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, 345 East 47 Street, New York, New York, 10017, is the standard to be used by the architect or engineer as a guide for the design and testing of parking area lighting.
 - Overspill of lighting onto adjacent properties or rights-of-way shall not exceed three footcandles vertical and shall not exceed one footcandle horizontal illumination measured at grade level. All lighting must be shaded or screened and positioned in such a manner as to reflect the light away from any contiguous residential zoned property, and to minimize offensiveness to persons on all other neighboring properties and temporary blinding of drivers of vehicles passing illuminated property.
 - All required illumination shall be controlled by automatic devices. The required illumination for open-air parking areas shall operate from dusk to dawn with one-half light levels permitted from midnight to dawn. Enclosed parking areas shall maintain the lighting levels specified in this section 24 hours a day either by operating lighting at all times, or at all such times as would be required to maintain the required lighting levels.
 - Lighting shall comply with requirements of subsection 30-313(o) for the protection of sea turtle nesting areas.
- (3) Compliance requirements:
- A conceptual parking facility lighting plan, showing the general location and type of lighting proposed, shall be submitted with any application for final site plan approval. Prior to the issuance of a development order for a building permit, a parking facility lighting plan prepared by a registered architect or engineer shall be submitted for new construction, additions to existing buildings, changes of use, or expansion or reconfiguration of parking areas. The

lighting plan shall be certified by the registered architect or engineer as providing illumination in accordance with the minimum standards set forth in this subsection.

- b. Subsequent construction must comply with the lighting plan.
 - c. As a prerequisite to the issuance of final approval of any parking facility and of the lighting installation, and further, prior to the lighting installation being placed in permanent use, a letter of compliance from a registered professional engineer shall be provided to the Director stating that the installation has been field checked and meets the requirements of this section.
- (4) Maintenance requirements: All lighting installations required by this subsection shall be maintained in compliance with the minimum illumination requirements specified herein by the owners and occupants of the property.

(Ord. No. 361, 3-14-95; Ord. No. 438, § 2, 6-13-00; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017)

Sec. 30-318. - **Minimum parking requirements.**

- (a) *Banks and savings and loan associations*: One parking space for each 235 square feet of floor area.
- (b) *Business, professional and governmental offices*: Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:

Office Size (GLA)	1 Space for Each (Square Feet)
Less than 5,000	250
5,000 to less than 20,000	300
20,000 to 50,000	325
More than 50,000	350

- (c) *Charter, sightseeing or fishing boats*: One parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof.
- (d) *Churches*: One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (e) *Convenience stores, grocery stores*: One parking space for each 125 square feet of floor area.
- (f) *Funeral homes*: One parking space for each four seats in public rooms.
- (g) *Furniture stores*: One parking space for each 500 square feet of floor area.
- (h) *Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm*: One parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift.
- (i) ***Hotels, motels and apartment hotels***:
 - (1) ***One parking space for each rentable tourist unit. A rentable tourist unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not***

have a kitchen. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable tourist units. A two-bedroom, one-bath unit with only one outside door is counted as one rentable tourist unit. If, in addition to rentable tourist units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.

- (2) *Exemption for bicycle and neighborhood/low speed vehicle parking.* A hotel or motel use located in the RM-25 zoning district may receive exemptions not to exceed a total of 50 spaces, for bicycle and/or neighborhood/low speed vehicle parking, subject to the following:

a. *Bicycle*

- i. Exemptions are limited to 15 percent of the total amount of required parking of the maximum number of exemptions;
- ii. A minimum of four bicycle parking spaces shall be provided on the same site as the hotel or motel for each exempted vehicular parking space;
- iii. Each bicycle parking space shall provide for a minimum area of 18 inches by six feet. A reduced minimum area per bicycle may be approved by the Town Manager for bicycle racks that are designed as public art.
- iv. A hotel or motel that utilizes this exemption shall provide bicycles for use by hotel/motel guests at least equal to 50 percent of the total number of bicycles spaces provided.

b. *Neighborhood/Low Speed Vehicles*

1. Exemptions are limited to 10 percent of the total amount of required parking not to exceed the maximum number of exemptions;
2. A minimum of one neighborhood/low speed vehicle space shall be provided on the same site as the hotel or motel for each exempted vehicular parking space.
3. A hotel or motel that utilizes this exemption shall provide neighborhood/low speed vehicles for use by hotel/motel guests at least equal to 50 percent of the total number of spaces provided. In no event shall less than one neighborhood/low speed vehicle be provided.

- (j) *Leased and rental vehicles:* One space for each leased car maintained on premises plus one space for each employee.
- (k) *Marinas and yacht basins:* One parking space for each boat slip and one parking space for each employee. Charter boats are regulated under (c) above.
- (l) *Medical, dental lab, chiropractic, health studio, etc., clinics:* One parking space for each 200 square feet of floor area.
- (m) *Multiple-family dwellings:* One and one-half parking spaces for each unit with less than three bedrooms, and two parking spaces for each unit with three or more bedrooms, plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses were separate from the multiple dwelling.
- (n) *Outside seating for restaurants located on private property.* Outside seating areas located on private property shall provide parking spaces as follows:
- (1) Dining that is located under the structural roof of a building shall provide seating required for restaurants (s) below.
 - (2) The first 1,000 square feet of outdoor seating area that is open to the elements and not located under a structural roof of the building or permanent structure shall be exempt from parking requirements. Parking shall be provided for all square footage over the first 1,000 square feet at the rate of one space for each 100 square feet of customer service area shall be provided.

- (o) *Personal service shops*: One parking space for each 200 square feet of service floor area including barber shops and beauty shops.
- (p) *Pier*: Zero parking spaces for the pier deck area not associated with another use.
- (q) *Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums*: One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 square feet of net floor area utilized for customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (r) *Restaurants, including sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the public*: One parking space for each 50 square feet of gross floor area excluding food preparation areas, drink preparation areas, bathrooms, storage areas, and other areas not directly utilized by the public in patronizing such establishments, except that from March 8, 2011, until March 7, 2015, and as further limited below, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Exemption Program."
 - (1) *Application required*. To qualify for the parking exemption program, a parking exemption application must be submitted, in a form to be approved by the Town, with all supporting documentation. The parking spaces shall be allocated on a first come, first serve basis, as measured by the Town's receipt of a complete application package.
 - (2) *Eligibility for program*. The application, and all supporting documents, including any applicable building permit or development approval applications, for the construction of a new restaurant or for a restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to the program deadlines, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.
 - (3) *Program guidelines*.
 - a. *Districts*. There are hereby created two separate and distinct Parking Exemption Districts as follows:
 - 1. *Oceanfront Center*. The Oceanfront Center shall include all B-1 and B-1-A zoned land adjacent to State Road A1A or Commercial Boulevard, east of Seagrape and, for the purposes of determining underutilized spaces, shall include the El Prado and A1A parking lots.
 - 2. *Commercial Business District*. The Commercial Business District shall include all B-1 and B-1-A zoned land adjacent to Commercial Boulevard, west of Seagrape.
 - b. *Exemption maximum*.
 - 1. *District maximums*. The maximum number of spaces available for exemption in each parking district shall be established by resolution of the Town Commission.
 - 2. *Oceanfront Center*. There shall be a maximum exemption of 30 parking spaces per eligible restaurant.
 - 3. *Commercial Business District*. There shall be a maximum exemption of 50 parking spaces per eligible restaurant.
 - c. *Eligible restaurant*. An eligible restaurant shall be a commercial establishment where food and beverages are ordered and consumed on premises and serviced by its own kitchen. No restaurant kitchen may provide eligibility for parking exemption for more than one restaurant.
 - d. *Program duration*. The parking exemption program shall last in each district for a period of four years, from March 8, 2011, to March 7, 2015, or until the maximum number of parking exemptions is allocated, whichever is earlier. However, during the four-year period, but after

the initial allocation of the maximum number of parking exemptions in a district, the parking exemption program may be reactivated in that district if additional parking spaces are added to the total number of spaces available within the district, either by action of the Town Commission or expiration or loss of parking exemptions. Notwithstanding the foregoing, the Town Commission, may, for any reason and in its sole discretion, discontinue this parking exemption program at any point during the four years.

- e. *Effect on 1995 exemption of pre-existing buildings, structures and uses from the parking requirement.* The parking exemption program provided herein is supplemental to, and in no way changes the parking exemption established in 1995 in section 30-314(b). Any parking space exemptions provided under the parking exemption program are in addition to any parking credits that may exist under the 1995 program.

(4) *Status following end of program.*

- a. *Nonconforming.* At the end of the parking exemption program, all restaurants built under the parking exemption program will become nonconforming uses, and shall be subject to the requirements of the nonconforming use provisions of the Town's Code of Ordinances. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the parking exemption program may be completely remodeled or rebuilt without providing additional parking, as originally permitted through the parking exemption program, as long as the square footage of customer service area is not increased.
- b. *Availability of exemptions to successor businesses.* If an eligible restaurant has opened and is operating with any exemptions obtained pursuant to the parking exemption program those exemptions will remain with the property for the benefit of future uses, even after the restaurant receiving the exemption is gone.
- c. *Changes in square footage or use.* The parking space exemptions obtained pursuant to the parking exemption program shall remain with the property. The use of the property may change and the square footage may increase or decrease without losing the parking exemption spaces. If a change of use or expansion creates the need for additional parking spaces under the Code standards in effect at the time of building permit, those additional spaces must be provided.

(5) *Reports.*

- a. *Notice prior to maximum utilization by district.* The Town Manager shall advise the Town Commission when spaces are allocated under this program, indicating the number of spaces allocated and the number of spaces available in each district.
- b. *Bi-annual report.* The Town Manager shall provide a bi-annual report to the Commission that describes the utilization, effectiveness and impacts of the parking exemption program.

- (6) *Notice and hearing prior to expiration of program.* Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on March 7, 2015.

(s) *Retail stores:* One parking space for each 225 square feet of floor area.

(t) *Shopping centers:* Parking space requirements vary depending on the size in gross leasable area (GLA) and composition of the center according to the following table:

Shopping Center Size in GLA	Base Rate (1 Space for Each) (square feet)	Special Uses Requiring Additional Spaces Above Base Rate
Less than 50,000	225	10 spaces for each 1,000 s.f. of food service

		3 spaces for each 100 cinema seats
		1 space for each 700 s.f. of office use > 10% of GLA
50,000—100,000	250	10 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 s.f. of office use > 10% of GLA
100,000—200,000	250	6 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats > 450 seats
		1 space for each 700 s.f. of office use > 10% of GLA
200,000—400,000	250	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA
400,000—600,000	225	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA
600,000—1,200,000	200	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA

- (u) *Single-family and duplex dwellings*: Two parking spaces for each dwelling.
- (v) *Theaters, movies or otherwise*: One space for every three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats.
- (w) *Uses not specifically mentioned*: The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of floor area.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-01, § 3, 3-8-2011; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2012-06, § 4, 3-27-2012; Ord. No. 2012-12, § 2, 7-24-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-14, § 4, 10-28-2014; Ord. No. 2015-17, § 6, 5-24-2016; Ord. No. 2017-09, § 4, 9-13-2017)

Sec. 30-319. - Limitations on use of required parking facilities.

The following uses and activities shall not be permitted in required parking facilities:

- (1) Parking to serve an off-site use or activity unless in accordance with an off-street parking agreement approved by the Town in accordance with section 30-320.
- (2) Storage, repair or display of any vehicles, equipment or merchandise.
- (3) Parking of vehicles, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, or which cannot be contained within a single designated parking space.
- (4) Off-street parking facilities supplied by the owner or operator to meet the requirements of these sections shall not be used by commercial vehicles owned, operated or used in the business or such owner during regular hours.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011)

Sec. 30-320. - Parking other than on-site location.

(a) *Regulation of required parking, shared parking and off-site required parking.* Parking spaces shall be located as follows:

- (1) *On-site:* Required parking spaces may be located upon the same plot or parcel of land the parking area is intended to serve.
- (2) *Off-site:* Required parking spaces may be located off-site, upon a plot of land owned or leased by the same person or business entity that owns the business which is served by the parking spaces that is:
 - a. Located within the Town's corporate limits and zoned for business use; or
 - b. Located in an RM-25 district, when the lot is adjacent to the business use; or
 - c. On an RM-25 lot located within 50 feet of the RM-25 lot utilized for parking for the business under subsection (2)b. above.
 - d. On a lot located north of Pine Avenue which is zoned RS-4, RS-5, RM-15, RM-16, or RM-25 and located within 500 feet of a non-residentially used lot, if approved as a conditional use and subject to the following:
 1. No more than 25 percent of the required parking for the non-residentially used lot may be provided on the off-site lot.
 2. Except as provided in subparagraph 8. of this subsection, the minimum lot size for off-site parking lots shall be 10,000 square feet of net area with a minimum street frontage of 100 feet on a public right-of-way at least 60 feet in width which is designated as a collector or arterial road on the Broward County Trafficways Plan.
 3. Except as provided in subparagraph 8. of this subsection, access to the parking lot shall only be from the designated collector or arterial road.
 4. A landscape buffer at least ten feet in depth shall be provided on all sides of the plot.
 5. A decorative, translucent visual barrier shall be provided at least two and one-half feet inside the perimeter of the required landscape buffer on any side which is contiguous to a residential district. The minimum height of such visual barrier shall be four feet and the maximum height shall be eight feet measured from the established grade. The visual barrier shall be in one of the following forms:
 - (i) A translucent fence or wall; or
 - (ii) Landscape material dense enough to provide only translucent visibility.
 6. The off-site parking facility must comply with all requirements of section 30-314, off-street parking; general requirements.
 7. No signs shall be permitted except entrance or exit signs or signs identifying the purpose of the off-site parking lot. Such signs shall be no larger than six square feet and not higher than four feet above the ground unless affixed flush on the required visual barrier. No exterior illumination of such signs shall be permitted.
 8. Off-site parking lots shall be used only for the temporary parking of operable, currently licensed private passenger vehicles of patrons of the non-residentially used property which the parking lot serves.
 9. Where a residentially zoned plot used for off-site parking is contiguous to or separated from the non-residentially used property it serves by a dedicated alley, such plot may be used for all or any portion of required parking for the non-residentially used plot it serves. The provisions of paragraphs 2. and 3. of this section shall not be applicable, provided the off-site parking is accessed only from the dedicated alley or from the non-residential plot it serves.

- (3) *Shared*: Required parking spaces may be permitted to be utilized for meeting the parking requirements of two or more separate permitted uses, when it is clearly established by the applicant that the two or more uses will utilize the spaces at different times of the day, as follows:
- a. *Location*. The two or more separate permitted uses must be on adjacent lots, in a complex, or on a unified development site.
 - b. *Study*. The applicant shall prepare a shared parking study, using a methodology approved by the Town Manager, establishing the peak parking requirements of the permitted uses, based on a time of day occupancy analysis. The results of the study must be approved by the Town Commission.
 - c. *Change of hours*. Any modification of the business hours of any of the businesses that results in a parking usage overlap shall result in revocation of the approval, or enforcement by the Town of the shared parking agreement required below, or both.
- (4) *Requirements*: Required parking which is off-site or shared parking must comply with the following:
- a. *Users*. Required parking is for the convenience of the employees, patrons or guests of the use providing the required parking.
 - b. *Overnight parking*. Overnight parking of any size truck, commercial van, or trailer shall be prohibited as provided in chapter 19, article II of the Code of Ordinances.
 - c. *Fencing of parking lots in RM-25 district*. Parking lots in the RM-25 district shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking.
 - d. *Agreement required*. Use of either off-site or shared parking to meet required parking, wherever located, requires a shared parking agreement between the owner of the use and the owner of the parking spaces. The shared parking agreement must be in writing, provide cross access and ingress and egress if necessary, and provide for maintenance of the parking and enforcement of the agreement. The agreement shall run to the benefit of the Town and shall be binding upon any heirs, successors and assigns. The agreement shall include a provision whereby the owner of the use acknowledges that the continued validity of the use is contingent on a valid shared parking agreement, and that termination of the agreement shall result in revocation of the approval of the use, unless alternative parking is provided to meet the minimum parking requirement of the Town Code within 90 days of notice of termination. The agreement may be terminated only upon agreement of the Town Manager or his or her designee, which may be granted if: (a) each property standing on its own satisfies the off-street parking requirements established by the Code, or (b) Town or other off-street facilities will be provided within 90 days which meet the requirements of this article. A lease or rental agreement may be utilized as a shared parking agreement if it meets the requirements of this section. Any agreement pursuant to this section must be in a form approved by the Town Attorney and shall be recorded in the public records of Broward County.

(Ord. No. 361, 3-14-95; Ord. No. 2007-10, § 1, 9-25-07; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017)

From Section 30-122 Site plan requirements (a)(15)

(15) *Review of potential impacts on adjacent development.* The proposed development shall include a review of potential impacts on adjacent development, to ensure development is compatible and harmonious with adjacent land uses and does not adversely impact land use activities and residential areas in the immediate vicinity. Such review shall include, but is not limited to, the following site plan development characteristics:

- a. Location of building(s), dimensions, height, and floor area ratio.
- b. Location and extent of parking, access drives and service areas.
- c. Traffic generation and traffic circulation.
- d. Hours of operation.
- e. Trash management plan.
- f. Alteration of light, air, odors, shadows, and noise levels.
- g. Setbacks and buffers such as fences, walls, landscaping and open space treatment.

Sec. 30-121. - Application for site plan approval.

(4) Landscape plan demonstrating compliance with article VII of this chapter, prepared, signed and sealed by a registered landscape architect, or other person authorized pursuant to F.S. ch. 481, pt. II, as amended, which plan shall also specifically identify the location of existing native vegetation and the portion that will be removed, relocated and preserved.

Sec. 30-122. - Site plan requirements.

(10) *Required pervious area and green space.*

- a. Commercial and mixed use developments in the B-1 or B-1-A zoning district which front Commercial Boulevard: 0 percent.
- b. All other commercial and mixed use developments in the B-1 or B-1-A zoning district: 15 percent.
- c. Residential uses: 25 percent.
- d. For the purposes of this requirement all other use, such as, but not limited to, utilities, transportation and office park, shall be included in the commercial category. In mixed use developments, the most restrictive of the applicable impervious area limitations shall be utilized.
- e. If a property fronts the beach and the property owner has riparian rights on the beach, the portion of the property that has beach area cannot be counted towards the required landscaped pervious area.
- f. The requirements of this subsection do not exempt any property from compliance with article VII, Landscape Code Requirements.
- g. Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.
- h. In the case of the use of an impervious material which does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall be given according to the percentage of pervious area that is retained. However, pervious brick material may not be counted towards the required landscaped pervious area.
- i. In cases where the ULDR allows some required parking stalls to be grassed, no credit towards the computation of pervious area shall be granted for such areas.
- j. Each proposed development shall include provisions for the application of best management practices to enhance retention areas such as grass ponds, grass swales, French drains, or combinations thereof, and shall meet all requirements of the applicable 208 Areawide Wastewater Treatment Management Plan.

From Article VIII – Landscape Code

Sec. 30-475. - Installation.

- (a) All landscaping and irrigation of landscaping shall be installed according to accepted planting procedures prior to the issuance of a certificate of occupancy or final use approval with the Town reserving the right to inspect all landscaping.
- (b) All landscape material shall be installed in accordance with sound landscaping practices and Xeriscaping shall be encouraged. All landscape materials shall be graded at least Florida number 1 or better according to the Florida Department of Agriculture and Consumer Services Division of the Plant Industry Grades and Standards for Nursery Plants. Xeriscaping may include the use of soil amendments to increase the water holding capacity of sandy soil or improve the drainage of heavy soils or other applicable principles or techniques. Alternatives to the use of turf, such as drought resistant shrubs and ground cover, are also encouraged. Condominant (V-crotched) trees are not acceptable.
- (c) New trees required to be installed shall be planted so normal growth and aesthetic appearance will not be impaired. Potentially large trees shall be planted following Right Tree Right Place principles regarding utility lines or lighting and shall not be planted too close to structures or in an area where they will obstruct emergency vehicle access.
- (d) Trees shall be installed as follows:
 - (1) Shade trees shall be located a minimum of 15 feet away from structures and 30 feet away from other shade trees.
 - (2) Non-shade trees shall be located a minimum of five feet away from structures, 15 feet from other non-shade trees, 22½ feet from shade trees. Palms may be planted closer to each other to form multiples or clusters.
 - (3) Trees shall be planted no closer to an impervious area than half of the minimum size of the required planting area for the particular tree species.
 - (4) Trees which are in excess of the minimum number required by this section may be spaced closer to each other with the species and distance determined by the Town.
 - (5) Where a conflict in spacing or canopy spread occurs between required trees and existing off-site and on-site trees, the requirements of this section may be modified as determined by the Town.
 - (6) When braced, trees shall be braced so as not to girdle, scar, perforate or otherwise inflict damage to the tree.
 - (7) For all properties requiring the installation of 20 or more trees, a minimum of 20 of the required trees shall be native species, and not more than 25 percent of the required trees may be palm trees.
 - (8) Palm trees shall have a minimum clear trunk measurement of four feet. Palms having an average mature spread of crown less than 12 feet may be substituted by grouping three or more palms so as to create the equivalent crown spread.
 - (9) Shade and street trees shall have a minimum trunk caliper of two inches, and a minimum height of ten feet; and a minimum crown spread of six feet.
 - (10) Any property owner may apply for a permit to plant a tree(s) in the swale area of a street abutting the property owned by the applicant provided that the mature height and spread of the tree shall not interfere with any public utility service. The location and

species of the tree(s) shall conform to Right Tree Right Place guidelines and shall be approved by the Town.

- (11) Shrubbery, when installed to screen a vehicular use area, shall be a minimum of 24 inches high, be full to base, be spaced a maximum of 30 inches on center. Shrubbery, when installed to screen a vehicular use area, shall be permitted to grow and shall be maintained at a maximum height of 48 inches. All other shrubbery shall be permitted to grow to a maximum of 72 inches high.
- (12) All plant beds shall be excavated to a minimum depth of 24 inches and back filled with a suitable soil consisting of 50 percent composted organic matter, well-mixed with native soil. Backfill material shall be free from rock, construction debris, or other extraneous material. Planting beds shall be free from construction debris and planted with ground cover or lawn or when not otherwise provided in these regulations, mulched with an appropriated organic material to a depth of two inches.
- (13) Finished grade of landscaped areas shall be at or below the grade of adjacent vehicular use areas or public sidewalks, except for mounding or other surface aesthetics. Grade shall be designed to receive roof and surface runoff and to assist Xeriscape plantings. Any overflow shall be routed underground as necessary.
- (14) All undeveloped or cleared portions of a parcel of land shall be planted with ground cover or lawn so as to leave no exposed soil in order to prevent dust or soil erosion.

Sec. 30-478. - Landscape requirements for vehicular use areas.

- (a) In order to improve the appearance of vehicular use areas and to protect and preserve the appearance, character and value of the surrounding neighborhoods, promote better air quality and thereby promote the general welfare by providing for installation and maintenance of landscaping, screening and aesthetic qualities, the following minimum vehicular use area landscape requirements are established. The section is not applicable to areas used for parking or other vehicular uses under or within buildings and parking areas serving single or two-family dwellings.
- (b) On the site of a building or structure or on an open lot providing a vehicular use area, landscaping shall be provided in a square footage equal to a minimum of 20 percent of the gross vehicular use area. This square footage shall abut and extend no further than ten feet away from a vehicular use area. The landscape area required from a vehicular use area shall consist of perimeter, peninsular, and interior landscape areas as follows:
 - (1) Perimeter landscape area. Along the perimeter of a parcel of land that abuts a street, exclusive of vehicular access points, a perimeter landscape area shall be provided. The depth of the perimeter landscape area shall be a minimum of five feet and an average of ten feet. The ten feet of perimeter landscape area closest to the vehicular use area may be counted as part of the 20 percent minimum vehicular use area landscape requirement.
 - (2) Along the perimeter of a parcel of land that does not abut a street, the minimum depth of the landscape area shall be 2½ feet.
 - (3) Peninsular and island landscape areas. All parking areas shall be so arranged that if there are ten or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five feet in width. Other suitable solutions or innovative designs may be submitted when approved by the DRC

and appropriate board and commission. In addition, there shall be a minimum of one tree and three shrubs for every 200 square feet of required landscaped area.

Sec. 30-481. - Landscape requirements by zoning districts.

(a) *Single-family and two-family residential districts:*

- (1) A minimum of 25 percent of the total gross area of a plot shall be devoted to landscaped pervious area. Pervious brick material may not be counted towards the required landscaped pervious area. If a property fronts the beach and the property owner has riparian rights on the beach, the portion of the property that has beach area cannot be counted towards the required landscaped pervious area.
- (2) All plots of 7,000 square feet or less shall contain a minimum of three trees and 20 shrubs, except all corner plots shall contain five trees and 20 shrubs.
- (3) All plots over 7,000 square feet shall contain a minimum of four trees and 30 shrubs, except corner plots shall contain six trees and 30 shrubs.
- (4) On a corner lot no fences, walls or hedges shall be erected or maintained at a street-bordering corner to a height exceeding 30 inches above the crown of the most adjacent roadway in the area forming an imaginary triangle bounded on two sides by the two lot lines intersecting to form such corner, with the third side of such triangle being formed by the imaginary line between the imaginary points located along each of such intersecting lot lines a distance of 25 feet from the point of intersection. If a parcel has a circular shape at the corner where two paved thoroughfares intersect, then the two lot lines of the sides of the property which border the bordering streets shall be imaginarily extended to form the point of intersection of said two lot lines for the purposes of measurement.

(b) *Multi-family districts:*

- (1) Landscaped pervious area.
 - a. A minimum of 25 percent of the total gross area of a plot shall be devoted to landscaped pervious area.
 - b. Pervious brick material may not be counted towards the required landscaped pervious area.
 - c. If a property fronts the beach and the property owner has riparian rights on the beach, the portion of the property that has beach area cannot be counted towards the required landscaped pervious area.
 - (2) A minimum of 25 percent of the setback area shall be landscaped and not covered by roofed area.
 - (3) There shall be a minimum of one tree per 1,000 square feet of total plot area.
- (c) *All other districts:*** The pervious area shall contain a minimum of two trees and five shrubs for every 2,000 square feet.

HORIZON BY THE SEA INN CITIZEN PARTICIPATION MEETING MINUTES



Exhibit 3

Date: 15th March 2022

Time: 6:30 PM

Facilitator: Horizon by the Sea Inn

Members:

Owner 1 - Maria Poprawski, Owner 2 - Krzysztof Poprawski, Lauderdale-By-The-Sea Planner – Susan Leven, Real Estate Agent – Ahmad Al-Khafaji, Monika

Time	Item	Member
6:35	Welcome	Ahmad
6:37	Discussing the reason of the meeting, answering questions to the audience (2 people turned up)	Ahmad
6:50	All the questions were answered and there were no concerns or objections raised, audience encouraged the proposal	Ahmad & Susan
7:00	Meeting ended	Ahmad & Susan

On Tuesday, March 15, 2022, at 6:30pm, a citizen participation meeting was held in Jarvis Hall. The applicants and their representatives were present, as well as Town staff. Two people attended the meeting – one represented a direct abutter to the project seeking additional information on the proposed changes to the subject property. The other attended to observe the citizen participation process. The presentation of the project and response to questions on the project and the review process was completed at approximately 6:45pm. The applicant and Staff remained in the room until 7:00pm, but no other members of the public came in. The meeting was closed at 7:00pm.



**SITE PLAN DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Development Order 2021-L2-SPM-02**

PROJECT NAME: Horizon by the Sea

ADDRESS OF PROPERTY: 4229 N Ocean Drives

FOLIO #: 4943 18 01 4050

PROPERTY OWNER: Krzysztof Poprawski Revocable Living Trust
Maria Poprawski Revocable Living Trust

APPLICANT: Maria Poprawski

APPLICANT ADDRESS: 3421 Canal Drive, Pompano Beach, FL 33062

REQUEST: Pursuant to Article IV, Division 2 of Chapter 30 of the Town's Code of Ordinances ("Town Code"), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 13 units to 23 units in order for the buildings' renovations to meet the Town's zoning and land use requirements for property located at 4229 N Ocean Drive.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on May 10, 2022 following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a Site Plan Modification is hereby approved as shown on the plans submitted on November 16, 2021, 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. Until the construction to create conforming units (including the installation of appropriate fire separation) and all inspections associated with this plan are complete and a new Certificate of Occupancy has been issued, no more than thirteen (13) units may be rented on this property at any time. In addition, those units may only be in a configuration as shown on sheets 3 of 5 and 4 of 5 of the 1964 plans submitted as part of this application and attached as **Exhibit 2**.
2. The Applicant shall provide four bicycles and a bicycle rack for use by guests. Bicycles shall be maintained in good, rust-free, operational, and safe condition.
3. A Business Tax Receipt (BTR) for the 23 units shall be obtained immediately following approval of the application.
4. The Applicant shall secure a building permit, as defined in Section 30-121 (e) of the Town Code, for the project within twelve (12) months of the date of the development order approval and a certificate of completion for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.
5. All construction shall be in accordance with the plans, incorporated into this document as Exhibit 1, which are listed in this report, which incorporate all modifications and conditions approved by the Town Commission. If changes occur as part of the building permit and/or architectural review process, that Applicant will be required to provide this information to Staff to determine if a modification of the Site Plan approval is required.
6. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
7. 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 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.

All applicable state and federal permits shall be obtained before commencement of construction.

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 _____, 2022

MAYOR CHRIS VINCENT

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney