



Planning and Zoning Board
Jarvis Hall 4505 N. Ocean Drive 33308

Planning and Zoning Board

Planning and Zoning Board

Wednesday, April 27, 2022, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive 33308

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

PLANNING AND ZONING BOARD WELCOME

Planning and Zoning Board Member Welcome

3. APPROVAL OF MINUTES

- 3.a. February 2, 2022 Planning and Zoning Board Minutes
[Unapproved minutes- 2-2-22.pdf](#)

4. PUBLIC COMMENTS

5. NEW BUSINESS

- 5.a. Planning and Zoning Board Member Training
- 5.b. Case Number: 2021-L2-SPM-02 :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.
[2021-L2-SPM-02 Site Plan Mod Horizon BTS Staff Report 3KK938003.pdf](#)
[Ex 1 2021-L2-SPM-02 Application.pdf](#)
[Ex 2- Plans.pdf](#)
[Ex 3 2021-L2-SPM-02 Citizen Participation Meeting Notes 3-15-22.pdf](#)
[Ex 4 Section 30-139 Notice requirements.pdf](#)
[Ex 5 2021-L2-SPM-02 RM-25 Section 30-241.pdf](#)
[Ex 6 2021-L2-SPM-02 Parking Section 30-318.pdf](#)
[Ex 7 2021-L2-SPM-02 Site Plan Section 30-122.pdf](#)
[Ex 8 2021-L2-SPM-02 Landscape Section Article VIII.pdf](#)
- 5.c. 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 for property located at 262 Lombardy Avenue.
[2022-L2-AA-01- Carol Ficks -262 Lombardy Avenue Staff Report-3KK930902.pdf](#)
[Ex 1 2022-L2-AA-01 262 Lombardy App and Plans.pdf](#)
[Ex 2 2022-L2-AA-01 Public Notice 262 Lombardy Avenue.pdf](#)
[Ex 3 2022-L2-AA-01 Code section 30-139 Notice.pdf](#)
[Ex 4-2022-L2-AA-01-262 Lombardy Avenue Development Order 3KK928802.pdf](#)
- 5.d. 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.
[4-7-22 Ord 2022-02 AM Marine Structure Ordinance, FINAL.pdf](#)
[Ex1- Canal Inventory.pdf](#)
[Ex2- Dock Reg Comparison.pdf](#)

[Ex-3 Other Marine Structure Comparisons.pdf](#)
[Ex 4 Ordinance 2022-02 Marine Structures, FINAL.pdf](#)

- 5.e. 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.
[4.27.22 P and Z Board Agenda Memo for Separation of Buildings Repeal Ordinance, FINAL 04.15.22.pdf](#)
[Exhibit 1, FBC 705, Tables 601, 602.pdf](#)
[Exhibit 2, Ordinance 2022-03, revisions to Town Code, bldg separation, FINAL 04.15.22.pdf](#)

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

8. ADJOURNMENT

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

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, February 2, 2022

1. CALL TO ORDER

Vice Chair Christina Buerosse called the hybrid in-person Planning and Zoning (P&Z) Board meeting with some Zoom accommodations for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:05PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Board Clerk Megan Small called the roll and board members present in-person were Ron Piersante, Vice Chair Christina Buerosse, Alan Bluestein, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. Board Member Charles Wayne Dillistin was present via Zoom. The absentee member was Chair David Chanon. Also present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, and Board Clerk Megan Small. For clarification of the record, Development Services Director Campbell explained that in Chair David Chanon's absence, Patricia Omana would participate and be a voting member tonight and Karen Sylvester would participate in discussions but would not vote.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – October 6, 2021

Board Member Piersante made a motion to approve the minutes of the P&Z meeting of October 6, 2021. The motion was seconded by Board Member Omana. The motion carried 5-0.

4. PUBLIC COMMENTS

For the record, there were no public comments at this time.

5. NEW BUSINESS

a. Case Number 2021-V-01

4403 Tradewinds Inc. (Applicant) – Requests a variance to Section 30-311 (c) of the Town's Code of Ordinances (the "Town Code"), to permit construction of a boat dock to extend into the Intracoastal Waterway at a maximum distance of between 11.4 feet to 13.5 feet from the property line, where the Town Code currently provides that a boat dock may be constructed or erected to extend into the Intracoastal Waterway at a maximum distance of eight (8) feet.

Vice Chair Buerosse asked Staff to present and Development Services Director Campbell gave a PowerPoint presentation explaining the variance request starting with its submittal on September 27, 2021. She also gave a description of the site with its current uses of restaurant and office space. There was proper Notice and the Town received one letter of objection and approximately forty support letters for the application. A Citizen Participation Meeting was held on December 28, 2021 in Jarvis Hall and the Citizen Participation Meeting Summary Report was

submitted and filed with the Development Services Department (and it was also in the Board Member Back Up as Exhibit 3). The proposed dock was approved/permitted by the U.S. Army Corps of Engineers, Florida Department of Environmental Protection, and Broward County Environmental Protection and Growth Management. The dock would also comply now with the 5 (five) foot setback on the north and south side of the dock as required by Town Code. She went over the seven variant criteria for this application and Staff's Findings that depicted all seven criterion were met. The applicant also submitted a Statement in response to each of the seven criterion. Staff found that the applicant justified granting the variance based on the requirements of the Town Code. She reminded that the Board should discuss its findings and conclusions in order to support their recommendation to the Town Commission. The applicant and the engineer were here this evening. Ms. Campbell called for board questions but the members wanted to wait for the applicant's presentation before asking questions.

Carlos Gianos represented 4403 Tradewinds Inc. in the application to extend the dock. He said that this project was started many years ago. The initial application was denied by the Town and that was why they were doing the variance. He stated that the Citizens Participation Meeting was quite interesting and felt it was a good meeting to have. He pointed out that even though when they applied for the dock, this meeting was not instituted by the Town Commission. The major concern voiced at the meeting was parking. The Woman's Club had issues that were addressed. He applauded the Town Commission and the Planning and Zoning Board for the work they did for the Downtown for outdoor dining. Mr. Gianos wanted them to know that the expansion of the dock would not add additional tables at the restaurant. It would allow a more open setting and expand the current seating arrangement. He has the general manager of the restaurant here this evening, if anyone wanted to speak with him.

There was another issue regarding mega yachts with pylons going into the Intracoastal but that was just an untrue rumor. The photograph of a big yacht at their dock was from a couple years ago and it has not been back since. He clarified that this application was just to expand the dock which was taking the brunt of the recent boat traffic and he has repaired their seawall. They were looking to get a beautiful dock to make their area look distinguished and nice and allow people to disembark and embark their vessels safely. He touched briefly on the water taxi by assuring again that this application tonight was for the variance on the dock and had nothing to do with the water taxi tonight. It was just for the dock and its safety. There was no financial gain to the owners of the property for the variance on the dock. It was only to make the property beautiful and to have rip rap installed to protect the safety of the building and the seawall. The water taxi was a vision and a separate issue. Business owners, hotels, people in the community love the idea of a water taxi but this was not for tonight. He mentioned water taxi in his application just to be transparent. Tonight was only for the safety of his patrons and the safety of the community as the dock would be lifted up from a low dock to a higher dock. He reiterated that at the Citizen's Participation Meeting, the biggest issue brought up was parking which was resolved/mitigated.

Carlos Gianos introduced Tyler Chappell and Jenna Robbins from the Chappell Group. Ms. Robbins gave a PowerPoint presentation to the Board starting with aerial views of the property. She showed the existing drawings that were done for environmental reasons in 2020. She spoke about the existing concrete panel seawall and the existing wood marginal dock. She explained about the proposed height increase of the seawall to combat sea level rise at this location and the proposed concrete marginal dock. The existing wood dock was at 81 feet from the east edge of the channel and the proposed concrete marginal dock would be 77 to 78 feet from the edge of the channel. She showed different views of the existing and the proposed structures. Ms. Robbins explained why additional rip rap (limestone boulders) was being installed, the benefits of rip rap, and extraordinary circumstances. She stated that the dock had to be wide enough to

cover the rip rap and that they received over forty letters in support of the proposed dock. They were here to answer any questions.

Board Member Karen Sylvester asked how wide did the depth of the dock need to be to cover the necessary rip rap. Ms. Robbins answered approximately 13 feet wide depending on the depth of the location. Tyler Chappell said that the design they came up with was to accommodate the two to one slope. Board Member Alan Bluestein asked who inspected the rip rap and who would give the permit. Tyler Chappell said Broward County Environmental Protection and Growth Management would inspect. He answered Board Member Ron Piersante that there was rip rap there now and it would be reused and supplemented with additional rip rap. Board Member Piersante asked about an enlarged dock blocking the line of site of the adjacent properties and Mr. Chappell explained why they would have more line of sight with the new proposed dock. Mr. Piersante inquired if there was a law that boats could not be too close to the bridge when it was opening and Mr. Chappell was not aware of a law but most captains know that you get in line and wait for the bridge. Usually, the biggest one goes first. This location did not usually have a bottleneck problem.

Vice Chair Buerosse asked if rip rap below the surface reduced wave action and rip rap used as a shoreline barrier absorbed wave action, why wasn't that proposed. Mr. Chappell said that rip rap did reduce wave action below the surface and it was proposed as a shoreline barrier. The Vice Chair had another question from a resident about the variance legality and Town Attorney White said that we would get to that during public comment as that resident (Mr. Nagy) was present today. Board Member Wayne Dillistin said that he did not see the hardship as it was the applicant's choice to add additional rip rap. Mr. Chappell said that additional rip rap was required. If they did not get the variance, they would have exposed rip rap and they would have to move rip rap as well. Mr. Dillistin wanted to know why the Town would give them five feet when they could dig on their own property and move their dock back. Jo Ann Hoffman said she was a principal of 4403 Tradewinds Inc. and explained the situation that the existing rip rap under a six to eight foot dock was insufficient to be safe for people. The priority was that the people in this community deserve safety. Mr. Dillistin said the Town had to stop giving people "5 more feet". Ms. Hoffman explained that this was 300' distance shore-to-shore and the 8' dock rule applied to the canals here with 100 feet. This was a 300 foot distance. Finger piers could be constructed twenty feet out. They were just trying to improve the property for the community. Mr. Dillistin understood but did not want to set a precedent of the neighbors all going out five more feet. Mr. Chappell answered Mr. Dillistin that the agencies they received the permits from would allow them to go out further than five feet but they were not requesting that. Most of Lauderdale-By-The-Sea Waterways were residential so a precedent could not be set as there were not that many commercial properties that would be seeking a variance. Mr. Dillistin wanted to know about visual studies done like on the El Mar property for impact on neighbors. Development Services Director Campbell said that would not be required for this submission. The size boat on the existing marginal dock would be no different in size when moored at the proposed dock. Ms. Campbell answered Mr. Dillistin about studies from the Army Corps of Engineers and Environmental Protection and that the board members in attendance have it in their packet and his was also here. She would have emailed it to him if she knew for sure he would not have been physically in attendance at Jarvis Hall. Mr. Dillistin felt that they were promoting the water taxi and he personally did not want it. Carlos Gianos commented that he showed the signatures for the water taxi because he was being transparent. This was among the discussion at the City's Participation Meeting. He understood the neighbor's (Nagy) concern but the existing dock came right up to his property line and it would be pulled back with the proposed dock.

Vice Chair Buerosse asked Mr. Chappell if this would be the new “norm” for docks on the Intracoastal that the Army Corps of Engineer would want more rip rap, higher docks, etc. Mr. Chappell explained that the Army Corps of Engineer did a study for Broward County on what sea level rise impacted and they advised cities to change their codes to raise the elevations on their seawalls. Development Services Director Campbell said that the Town just adopted its new ordinance at first reading at the last Town Commission Meeting. It would be going to second reading on February 22, 2022. Also, the County always required rip rap for new docks and seawalls.

As there were no further board questions, Vice Chair Buerosse opened up public comment. Names would be called from the sign-in sheet. Town Attorney White explained that if people did not sign up to speak on the Sign-In Sheet, they could still do that and Megan Small would call the names from the sheet.

Ben Bittner, resident, said that the dock was not just for 4403 W Tradewinds but it extended from 4403 to 4419 W. Tradewinds, behind those properties. He was catty-corner adjacent to it. The business this restaurant was doing has a negative impact like truck deliveries, buses, fueling of yachts in the parking lot, and other issues. He would like the entire site looked at, not just the dock. The owners of the property in the past years tried to mitigate the problems but there were lapses. This further expansion of the dock meant that the business was going to be solidified. He would like the promises made today codified in a site plan or written into whatever variance would be granted. This was the type of consideration he was looking for.

Linda Kay Thompson, resident and president of the Woman’s Club L-B-T-S, said that she agreed with Mr. Bittner. She understood why they wanted the variance for the dock but the problem was parking, flow of traffic in and out of the neighborhoods, Tradewinds West could only turn west onto Commercial Blvd, there was no side parking on the side streets, and they have 12 spots to use for their club plus 3 spots on the easement in front of their building – parking was really a problem for them. Looking toward the future, Ms. Thompson said that if there were a water taxi, there would be more foot traffic and no sidewalks. Her concern was for the girls being happy and safe.

Debbie Nagy, resident, said that she and her husband own the property just north of 4403 and 4405 (W Tradewinds) and did not relish coming before a public forum to oppose something her neighbor would like to have. However, she was opposed to her variance request for a variety of reasons. They have always had a cooperative relationship with neighbors but she was upset and disappointed to learn that the dock would exceed the setbacks by several feet which was different than they understood and she felt deceived. Over the years, she tolerated the noises from the charter boats with the loud music from passengers boarding until they depart. She then got disturbed from the loud music that came from those charter boats docking. As the passengers disembark, the loud music continued and sometimes the party continued in the parking lot. The hedges became a restroom. There was one charter boat docked next door but in the past there were two (one held 50 passengers and one held 500 passengers).

She asked the Board to look at the applicant’s statement in Section 6, as there was a need for the definition of large vessel. There were buses parked in front of resident’s homes that still went on delivering passengers to the charter boat. She said to see Staff Findings #5 regarding no negative impact to neighboring properties. For example, her own water view and sunlight would be impeded by larger boats. She requested adhering to the current setbacks. Setbacks make good neighbors and that was why there were zoning laws. She wanted to show a video (Town Attorney White reminded about needing the video for the record) of the Grand Floridian when it

was docked next door to her for several years but it was decided instead for her to speak into the microphone and explain what was on the video which she did. She then spoke about the Applicant's Statement Section 1 and wanted to know what would be done to assure that large boats could not park on the dock. She disagreed with their statement about the no wake zone because she saw officers patrolling the no wake zone and it was being enforced. There were offenders but most people adhere to the no wake zones. The existing dock was deemed a hazard for boats to moor and dock safely without modification. There was a charter boat docked there now and were the modifications made and were there any warning signs posted? More problems come from having a water taxi and where were the data and how would it impact the neighborhood? She asked the Board to deny their request for a variance.

Vice Chair Buerosse reminded about the three-minute time allotted for public comment.

Steve Nagy, resident, said that he opposed the variance for many reasons not limited to line of sight disruption, more noise, and more disruptions. What was important here was the legal standard for a variance. Their request did not meet the legal standard for a variance. He gave them a case law review written by Ralph Brooks with the controlling case being Herrera vs City of Miami and he read from it into the record and explained why the variance should be denied. He said that they decided to hire Ralph Brooks from Cape Coral to represent them. He was asking the Planning and Zoning Board to deny the variance because it did not meet the legal standard for a variance and if not, to continue this hearing so they could come back with proper representation. Mr. Nagy asked the applicant's engineer the depth of the dock's sandy bottom and Tyler Chappell answered they did not have a survey of the bottom but rather estimates based on their seagrass survey which was roughly 5 to 6 feet. Mr. Nagy was answered that what Mr. Chappell said previously was the rip rap was to be placed at a 2 to 1 slope. Mr. Nagy said that he measured and the sandy bottom was at 11 feet. He felt that the depictions and the plans they presented were not accurate and not to scale and that there were plenty of uses for this property without a dock. As his three minutes were over, he was granted a little more time to speak briefly about the water taxi.

Mary Callahan, resident, said that she loved Blue Moon, the Town, businesses and fun but she wanted to keep it quiet, clean, private and livable for the elderly as well as families with children. She would like to see the variance denied with further investigation into whether it was going to be important and how it would impact the lives of people who live here every day.

Board Clerk Megan Small said that no one else from the Sign-In Sheet requested to speak but there were others in attendance who wanted to speak.

Tom Pasquale, resident, said that he was signed in. He felt that he had to object to some of the insinuations made by the applicant to include but not limited to the proposed dock making things significantly safer to dock a boat. He felt that no one has represented the manatees. They would get pushed out into the boat lane with the proposed dock making it easier for them to get hurt or worse. This alone should stop the variance.

Steve Nagy, resident, had one more thing to say as no one else wished to speak. He understood the desire for the proposed dock but variances were not legally used to get someone just what they want. They have to have no other use for the property. If you want a bigger dock, change the statute. A statutory change was the venue for this request and not the Planning & Zoning Board.

Development Services Director Jhanelle Campbell reminded that there was a written submission. Board Clerk Megan Small read the name, Barbara Cole, into the record as well as read Barbara's revised written comment into the record for three minutes. Ms. Campbell reminded that Barbara's initial written comment was also in the Board packet.

Barbara Cole, resident, wrote in her revised written comment which Megan Small read:

"Public Comments-

Which is it a dock without water taxi variance or 1 st step to water taxi that should have been combined for full Citizen Participation Requirement beyond 300 ft affected parties?

The Applicant Statements repeatedly tie the water taxi to the variance and the staff agrees with the applicant's statements and approves them with these inclusions.

The staff continues as in the beginning of this application presentation to state the water taxi is not part of this application (pg 17 .6)/ original application (pg 27/[5].4)(pg. 27.7) Applicant's Statement / Staff Findings Examples- Pg 16- 3. The literal interpretation of the provisions of the applicable regulation would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

Applicant Statement:

The existing dock has been deemed as a hazard for boats to moor and dock safely without the modification listed in the proposed plans. Additionally, the code states that "boat docks...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" (Sec 30-311 (2)a). As the property line is located approximately 0.8-1.4' landward of the existing wetface, this would only allow for the addition of a 7.2' dock. The maximum of a 7.2' or 8' wide dock would not allow for the addition of riprap as it would extend past the dock creating a hazard for mooring vessels and their passengers. Here the riprap is needed to absorb the excessive wakes experienced along this heavily traveled Intracoastal Waterway. In addition, the code mandated 8' wide from property line prevents the applicant from safe mooring on the ICW, pedestrian access, boat disembarkment, and water taxi access at this location.

Staff Findings:

The literal interpretation of the Code would mean that the dock could only extend into the Intracoastal Waterway a maximum of eight (8) feet. While it could be an inconvenience for the Property owner, it would not render the dock unusable. However, it would not be useable for a purpose that would serve the existing businesses.

This criterion has been met.

Pg17-

5.Due to the structural dock improvements and additional width the property will provide a unique service to the Town for outdoor/waterfront dining and increase access to the town by the introduction of a new water taxi service stop which will provide a new east west corridor connection from this gateway"... (NOTE: 3 minutes of reading were up and the reading stopped).

As there were no further public comments, Vice Chair Buerosse asked Director Campbell about the charter boats. Ms. Campbell said that the Town found out that there was a boat that chartered at the Blue Moon and the property was cited because, per Code, a conditional use needed to be obtained to have a charter boat service. They were aware of the application that needed to be completed and we expect them to comply with the Code. She answered the Vice Chair that there

was no charter boat on the property right now. She further answered her that a conditional use would go in front of the Planning and Zoning Board and then approval to the Town Commission. Another question from the Vice Chair was about Woman's Club parking talked about today. Director Campbell said that three parking spaces were on site and additional spaces were given to them for their meetings. She further stated that the applicant agreed to accommodate the Woman's Club with valet service on their meeting days. Director Campbell answered the Vice Chair that tonight was for the dock variance, not the water taxi, etc. Board Member Dillistin asked if the water taxi would need some type of variance or approval or something from the Town or no. Town Attorney White said that they would have to review it. Tonight's decision was only on the structure (dock) that was asked to be extended and whether the Board wanted to suggest granting the extension. Board Member Dillistin asked the Board Members not to make the same mistake made with the El Mar Drive project. Give the neighbors a little more time for this item to be presented. There was no rush and yet he felt that there were still questions that needed to be answered. He suggested denying it tonight, not permanently, but to just give it a little more time allowing more information to be discovered.

Town Attorney White explained that local governments used to be able to require that before a dock was applied for or an extension, etc. all permits needed to be in signed off by the Army Corps of Engineer, by the various layers of all jurisdictions that control navigable waterways. This was no longer the case which put the Town at a disadvantage. The Town could not mandate that as a condition of approval, these things were in before. In other words, permits could not be a condition of approval. A lot of the engineering work done by the Army Corps of Engineers, by the State, by the County was already done. Board Member Dillistin wanted to know who from Staff approved all this and Town Attorney White listed those who look at this from the staff perspective; a professional planning staff, Director of Planning, engineering staff, and all people who help Staff make determinations. Board Member Karen Sylvester asked Tyler Chappell what he would say if the board limited the dock to 8', would rip rap still be added? Mr. Chappell said that rip rap would still be added and he answered that their drawings and plans were to scale only the graphics in sections were not. They did what was required for the permits and the Building Department at L-B-T-S. Mr. Dillistin would have liked to see the studies from the Army Corps of Engineers and Environmental Protection which the board members in attendance have in their packet but he understood because he intended to be at the meeting tonight.

Board Member Piersante said that the Army Corps of Engineers, Florida Department of Environmental Protection, and Broward County Environmental Protection and Growth Management all approved this. Discussion ensued and Mr. Dillistin said that he brought this up because residents, the Nagy's, questioned this. Vice Chair Buerosse wanted more information about the variance. Town Attorney White spoke about Mr. Nagy's document that was a Florida CLE legal training document from 2004 of which Ralph Brooks was one of the authors. Mr. Brooks is an excellent attorney who wore many hats. The variance criteria listed in L-B-T-S Code were legal and valid. It was a matter of how the facts get applied to the situation and the criteria. The Board needed to listen to all the testimony and the evidence presented and weight that. The court would look into if due process was afforded. Mr. Nagy could hire whomever he wanted to make his argument in front of the Town Commission and present their evidence. Due process was given as everyone was noticed which Mr. Nagy was part of and participated in the Citizen Participation Meeting and he knew about this application for a while. The court was also going to look at the essential requirements of the law as to whether or not the Board followed the variance criteria of L-B-T-S Code. Another thing the court would look at if the decision was based on competent and substantial evidence. Board Member Sylvester wanted to know how Staff saw this as a hardship. Town Attorney White answered that it was a commercial property, proximity to the bridge, boat traffic, and the amount of impact this particular location received by its proximity

to the bridge. Director Campbell added the impact from the waves, the need of more rip rap, the need to cover the rip rap, and safety for the people and vessels. There were no further board questions/comments and no further public comments.

Board Member Piersante made a motion to recommend to the Town Commission approval of this agenda item (Case Number 2021-V-01). The motion was seconded by Board Member Patricia Omana. The motion carried by roll call vote 4-1 (Board Member Dillistin opposed).

Town Attorney White told Mrs. Nagy if she wanted to show her video to the Town Commission, she should coordinate with Development Services Staff.

6. OLD BUSINESS N/A

7. UPDATES/BOARD MEMBER COMMENT

Development Services Director Jhanelle Campbell thanked everyone for their service on the Board as this was the last meeting. She encouraged them to submit their applications which would be due by March 31, 2022. Town Attorney White explained that after every election, the Board sunsets and then there were re-appointments/new appointments.

8. ADJOURNMENT

Board Member Piersante made a motion to adjourn at approximately 8:18PM. The motion was seconded by Board Member Bluestein. The motion carried 5-0.

Vice Chair Christina Buerosse

ATTEST:

Date Accepted: _____



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 cited 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
☐ 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} ^{CHIEF} 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: _____

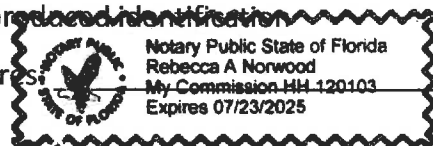
Proposed Use of the Subject Property: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property OwnerPrint Name of Property Owner: MARIA & KRZYSZTOF POPRAWSKI Date: 11/19/21Signature of Property Owner: Maria Poprawski / Krzysztof Poprawski

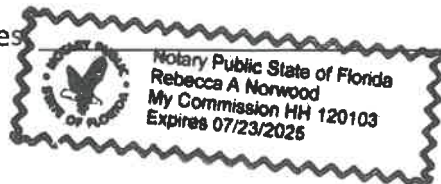
State of Florida: _____

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



Scale: N.T.S.

31. THE GENERAL CONTRACTOR SHALL BE AWARE THAT SPECIFIC FIRE RATED SEPARATIONS WITHIN THE BUILDING'S 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 GYPSUM 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/OWNER.

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	DOORS	DEMOLITION
STEEL JOISTS	WOOD TRUSSES	PRECAST SYSTEMS	ROOFING	HURRICANE SHUTTERS
MULLIONS	HAND RAILS	PAVERS		

39. ALL WORK 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.

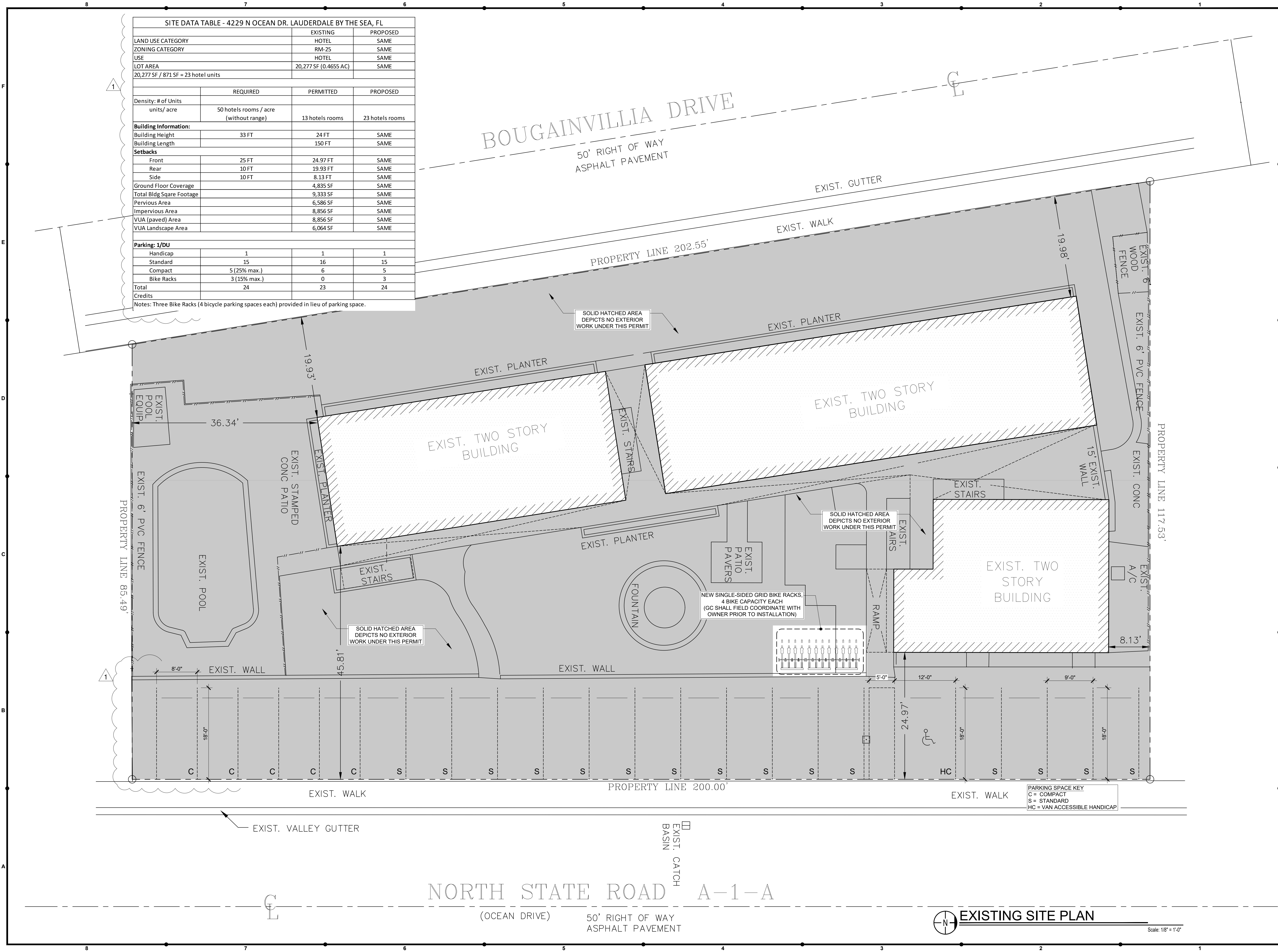
40.5. TRACK TO STUD FLANGE= (1) #10 SELF DRILLING & TAPPING SCREWS 1/2" LONG, EACH FLANGE, TYP.

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 G.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.

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
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.)	0
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%

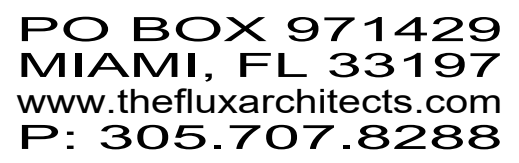
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EG

Checked By:
EG

Scale:
AS NOTED

Sheet Number:
A100

THIS PAGE IS A SUMMARY OF THE GENERAL NOTES OF THIS PROJECT. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCEMENT OF ANY REQUIRED WORK. THESE DRAWINGS SHALL NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. © FLUX ARCHITECTS, LLC
Eddie Seymour - AR95062
Allen G. Vandelaar - AR92397



Edgar Gonzalez - AR90036

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 Number:	21098
Sheet Name:	PROPOSED FLOOR PLAN

Sheet Origin Date:
10/8/2021

Sheet Issue Date:
11/29/2021

Revisions:

[illegible]

Submittal Type:
PERMIT SET 100%

Drawn By:
EG

Checked By: EG

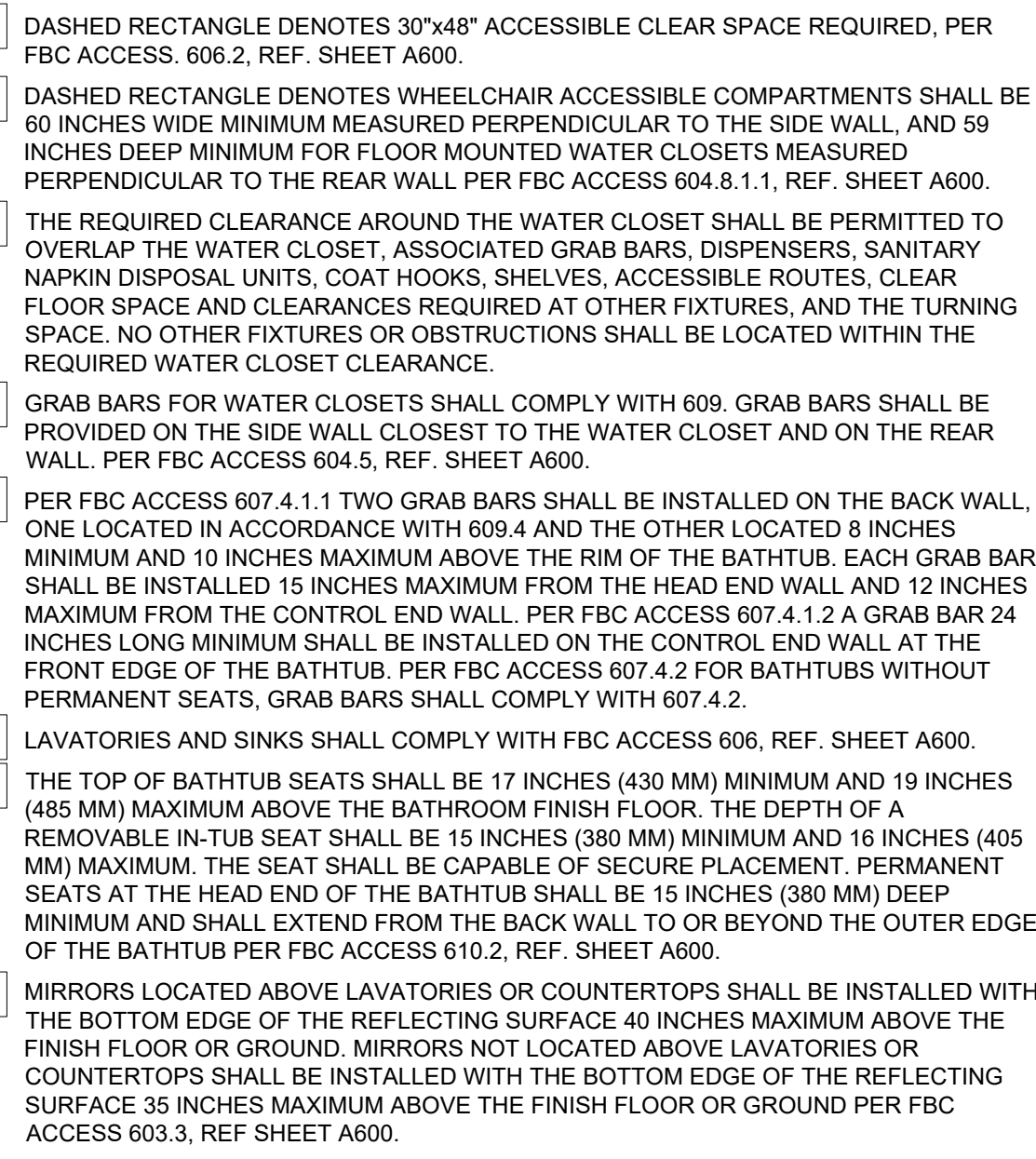
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Sheet Number:

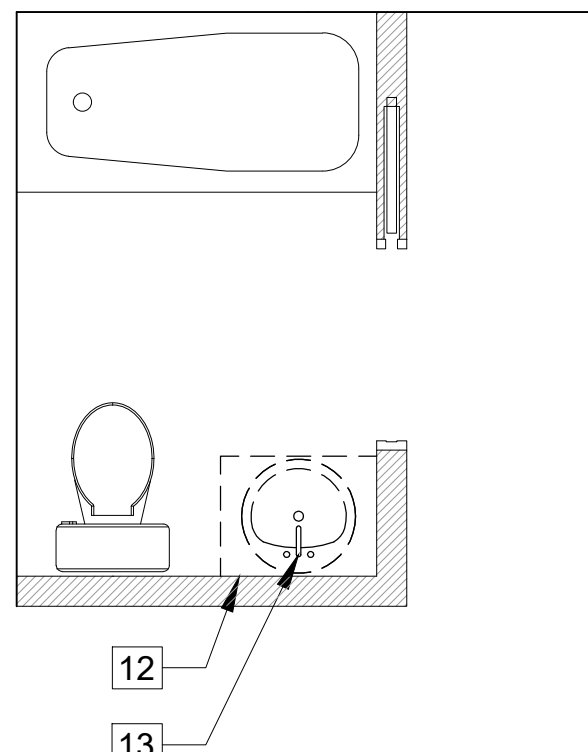
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A201



1 ADA BATHROOM PLAN

Scale: 3/8"=1'-0"

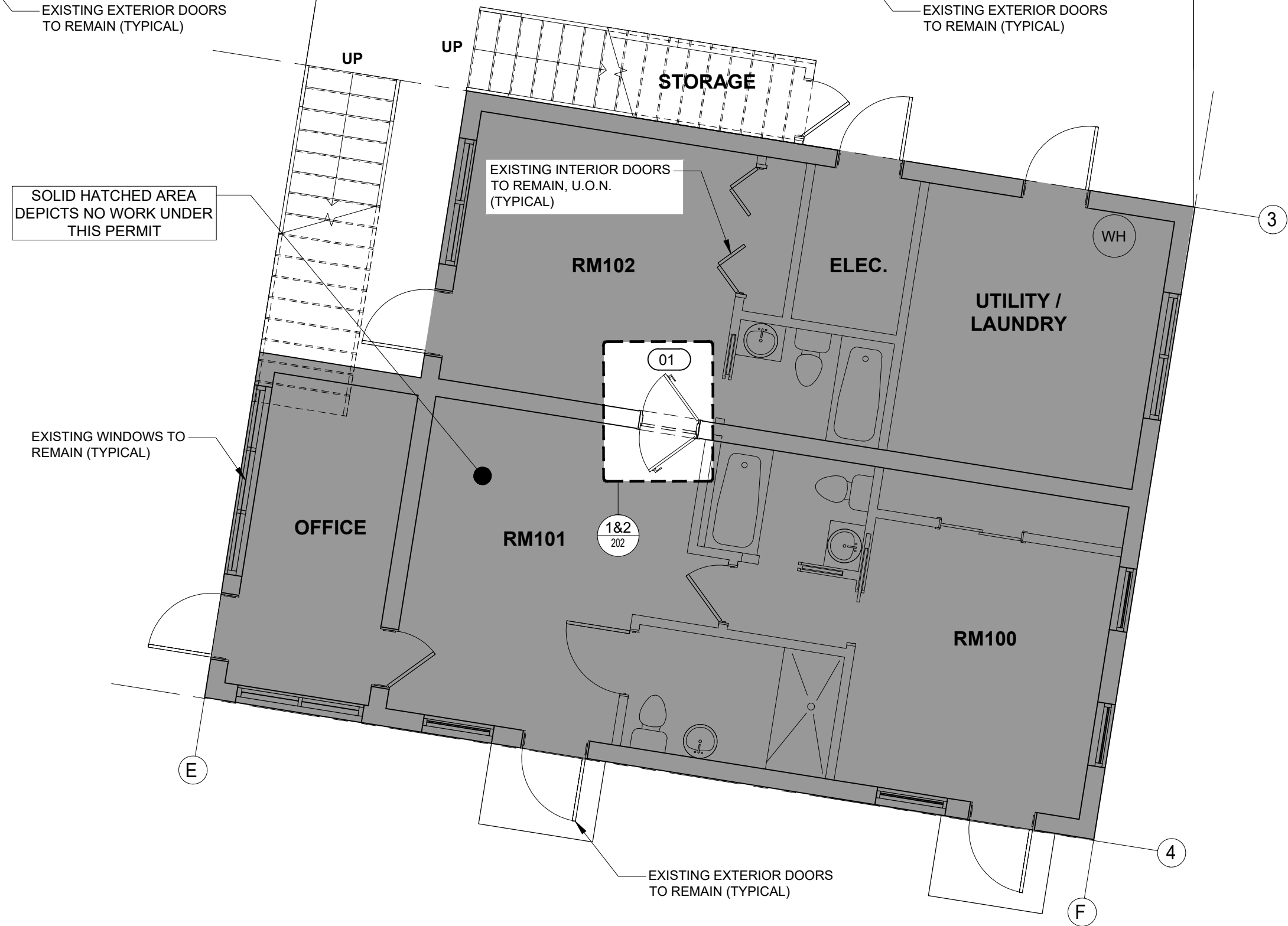


BATHROOM DEMO PLAN

Scale: 3/8"=1'-0"

ADA ROOM GENERAL NOTES:

3. REFER TO SHEET A600.
2. TRANSIENT LODGING FACILITIES SHALL PROVIDE GUEST ROOMS IN ACCORDANCE WITH FBC ACCESS 224.
3. WHERE GUEST ROOMS ARE ALTERED OR ADDED, THE REQUIREMENTS OF 224 SHALL APPLY ONLY TO THE GUEST ROOMS BEING ALTERED OR ADDED UNTIL THE NUMBER OF GUEST ROOMS COMPLIES WITH THE MINIMUM NUMBER REQUIRED FOR NEW CONSTRUCTION PER FBC ACCESS 224.1.1.
4. ENTRANCES, DOORS, AND DOORWAYS PROVIDING USER PASSAGE INTO AND WITHIN GUEST ROOMS SHALL NOT BE REQUIRED TO PROVIDE MOBILITY FEATURES COMPLYING WITH FBC ACCESS 806.2.3 SHALL COMPLY WITH FBC ACCESS 404.2.3.
5. IN TRANSIENT LODGING FACILITIES, GUEST ROOMS WITH MOBILITY FEATURES COMPLYING WITH FBC ACCESS 806.2 SHALL BE PROVIDED IN ACCORDANCE WITH FBC ACCESS TABLE 224.2.
6. IN TRANSIENT LODGING FACILITIES, GUEST ROOMS WITH COMMUNICATION FEATURES COMPLYING WITH FBC ACCESS 806.3 SHALL BE PROVIDED IN ACCORDANCE WITH FBC ACCESS TABLE 224.4.
7. AT LEAST ONE SLEEPING AREA SHALL PROVIDE A CLEAR FLOOR SPACE COMPLYING WITH FBC ACCESS 305 ON BOTH SIDES OF A BED. THE CLEAR FLOOR SPACE SHALL BE POSITIONED FOR PARALLEL APPROACH TO THE SIDE OF THE BED PER FBC ACCESS 806.2.3.
8. AT LEAST ONE BATHROOM THAT IS PROVIDED AS PART OF A GUEST ROOM SHALL COMPLY WITH FBC ACCESS 603. NO FEWER THAN ONE WATER CLOSET, ONE LAVATORY, AND ONE BATHTUB OR SHOWER SHALL COMPLY WITH APPLICABLE REQUIREMENTS OF FBC ACCESS 603 THROUGH FBC ACCESS 610 PER FBC ACCESS 806.2.4.
9. TURNING SPACE COMPLYING WITH FBC ACCESS 304 SHALL BE PROVIDED WITHIN THE GUEST ROOM.
10. DOOR OPENINGS SHALL PROVIDE A CLEAR WIDTH OF 32 INCHES MINIMUM. CLEAR OPENINGS OF DOORWAYS WITH SWINGING DOORS SHALL BE MEASURED BETWEEN THE FACE OF THE DOOR AND THE STOP, WITH THE DOOR OPEN 90 DEGREES PER FBC ACCESS 404.2.3.
11. GUEST ROOMS REQUIRED TO PROVIDE COMMUNICATION FEATURES SHALL COMPLY WITH FBC ACCESS 806.3. WHERE EMERGENCY WARNING SYSTEMS ARE PROVIDED, ALARMS COMPLYING WITH 702 SHALL BE PROVIDED. VISIBLE NOTIFICATION DEVICES SHALL BE PROVIDED TO ALERT ROOM OCCUPANTS OF INCOMING TELEPHONE CALLS AND A DOOR KNOCK OR BELL. NOTIFICATION DEVICES SHALL NOT BE CONNECTED TO VISIBLE ALARM SIGNAL APPLIANCES. TELEPHONES SHALL HAVE VOLUME CONTROLS COMPATIBLE WITH THE TELEPHONE SYSTEM AND SHALL COMPLY WITH FBC ACCESS 704.3. TELEPHONES SHALL BE SERVED BY AN ELECTRICAL OUTLET COMPLYING WITH FBC ACCESS 309 LOCATED WITHIN 48 INCHES OF THE TELEPHONE TO FACILITATE THE USE OF A TTY.
12. GRAB RAILS IN BATHROOMS AND TOILET ROOMS WHICH COMPLY WITH SECTION FBC ACCESS 604.5.
13. ALL BEDS IN DESIGNED ACCESSIBLE GUEST ROOMS SHALL BE OPEN-FRAME TYPE THAT ALLOWS THE PASSAGE OF LIFT DEVICES PER FBC ACCESS 806.4.
14. WATER CLOSETS THAT COMPLY WITH SECTION FBC ACCESS 604.4 SHALL BE PROVIDED.
15. SIGNS SHALL COMPLY WITH FBC ACCESS 703, WHERE BOTH VISUAL AND TACTILE CHARACTERS ARE REQUIRED, EITHER ONE SIGN WITH BOTH VISUAL AND TACTILE CHARACTERS, OR TWO SEPARATE SIGNS, ONE WITH VISUAL, AND ONE WITH TACTILE CHARACTERS, SHALL BE PROVIDED.
16. TACTILE CHARACTERS ON SIGNS SHALL BE LOCATED 48 INCHES MINIMUM ABOVE THE FINISH FLOOR OR GROUND SURFACE, MEASURED FROM THE BASELINE OF THE LOWEST TACTILE CHARACTER AND 60 INCHES MAXIMUM ABOVE THE FINISH FLOOR OR GROUND SURFACE, MEASURED FROM THE BASELINE OF THE HIGHEST TACTILE CHARACTER PER FBC ACCESS 703.4.1. WHERE A TACTILE SIGN IS PROVIDED AT A DOOR, THE SIGN SHALL BE LOCATED ALONGSIDE THE DOOR AT THE LATCH SIDE.



 **PROPOSED FLOOR PLAN - LEVEL 1**

Scale: $3/16" = 1'-0"$

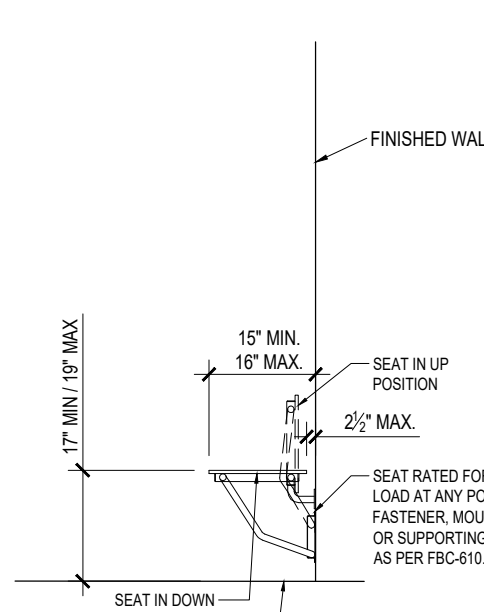
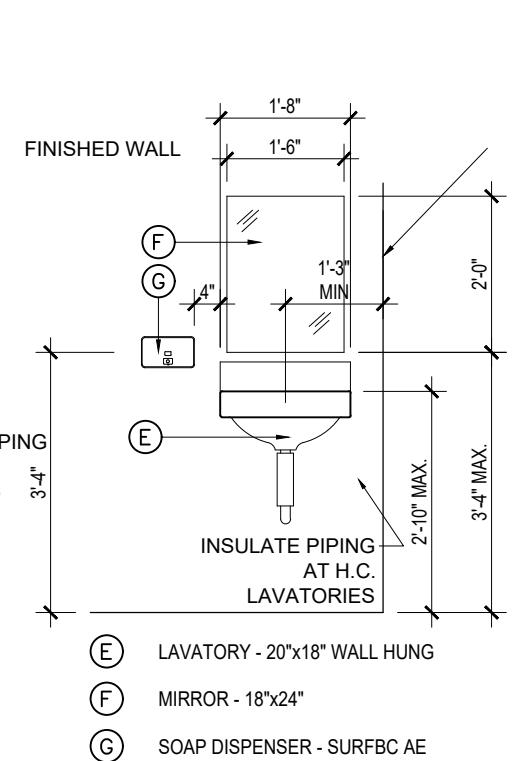


FIGURE 306.3 KNEE CLEARANCE



(E) LAVATORY - 20"x18" WALL HUNG

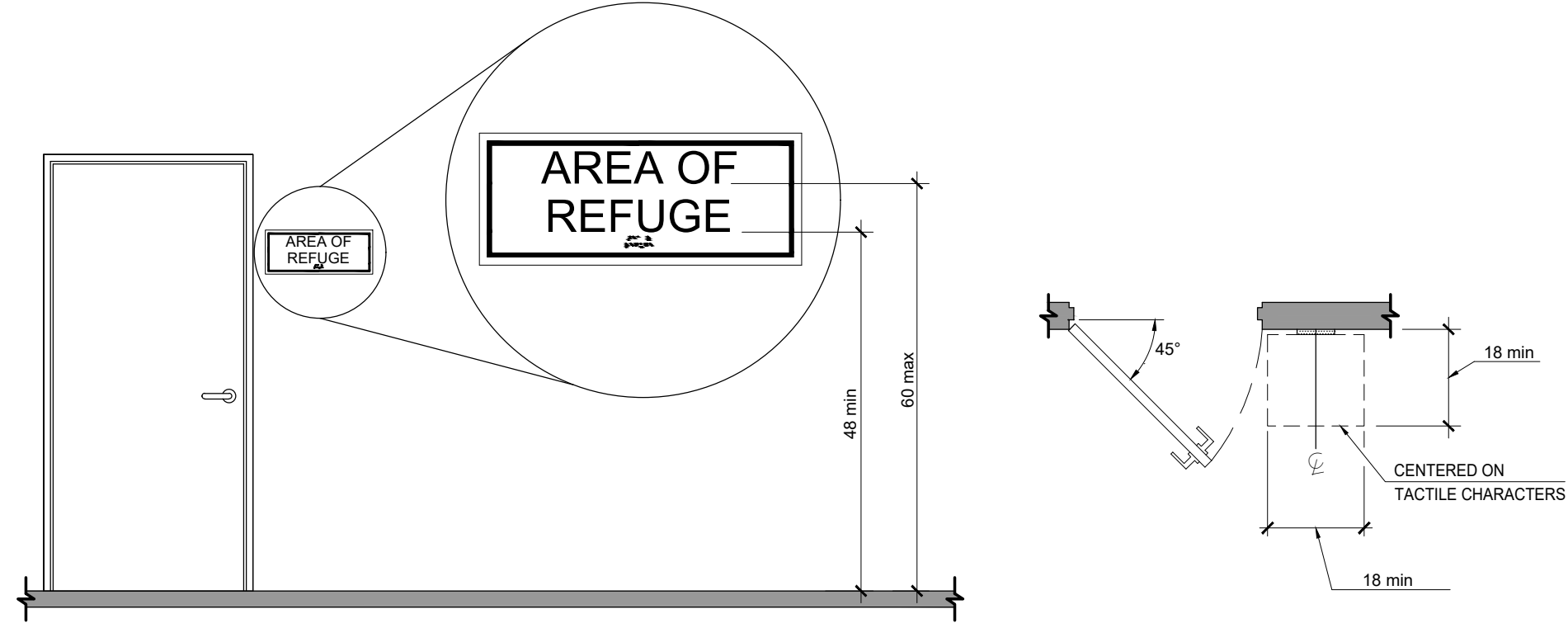
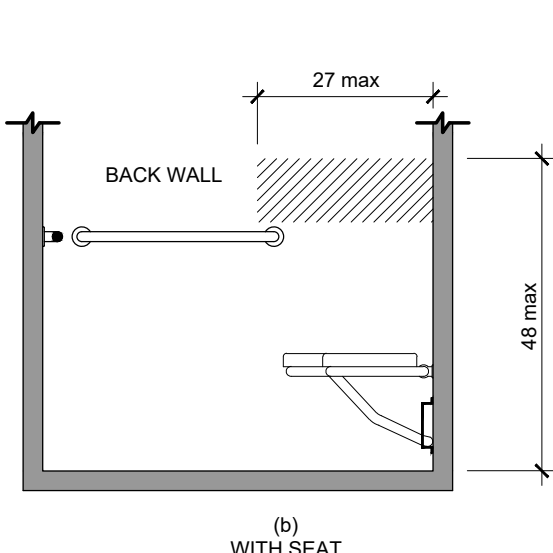
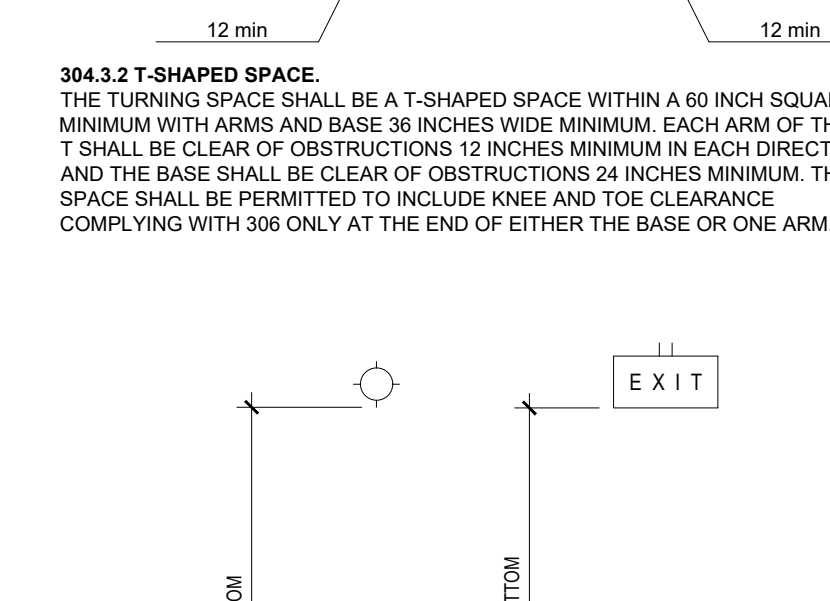
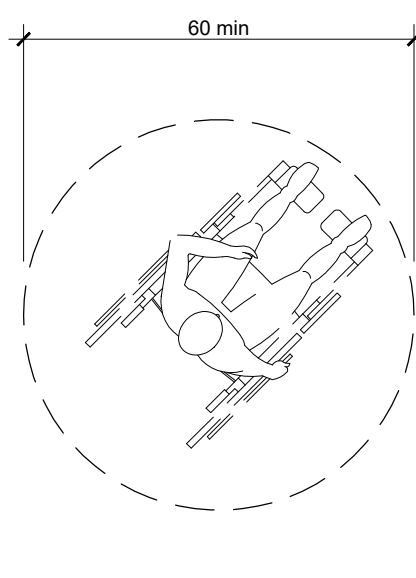


FIGURE 703.4.2 LOCATION OF TACTILE SIGNS AT DOORS



SHOWER COMPARTMENT CONTROL LOCATION



304.3.2 T-SHAPED SPACE.
THE TURNING SPACE SHALL BE A T-SHAPED SPACE WITHIN A 60 INCH SQUA

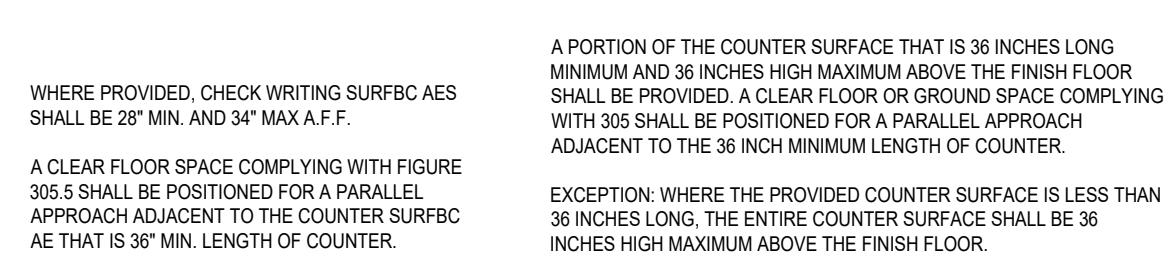
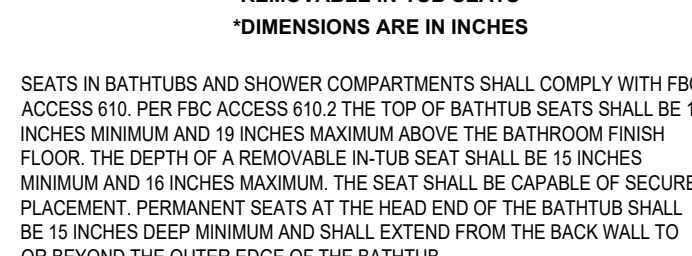
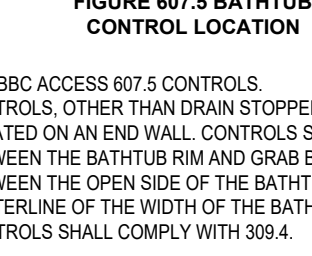


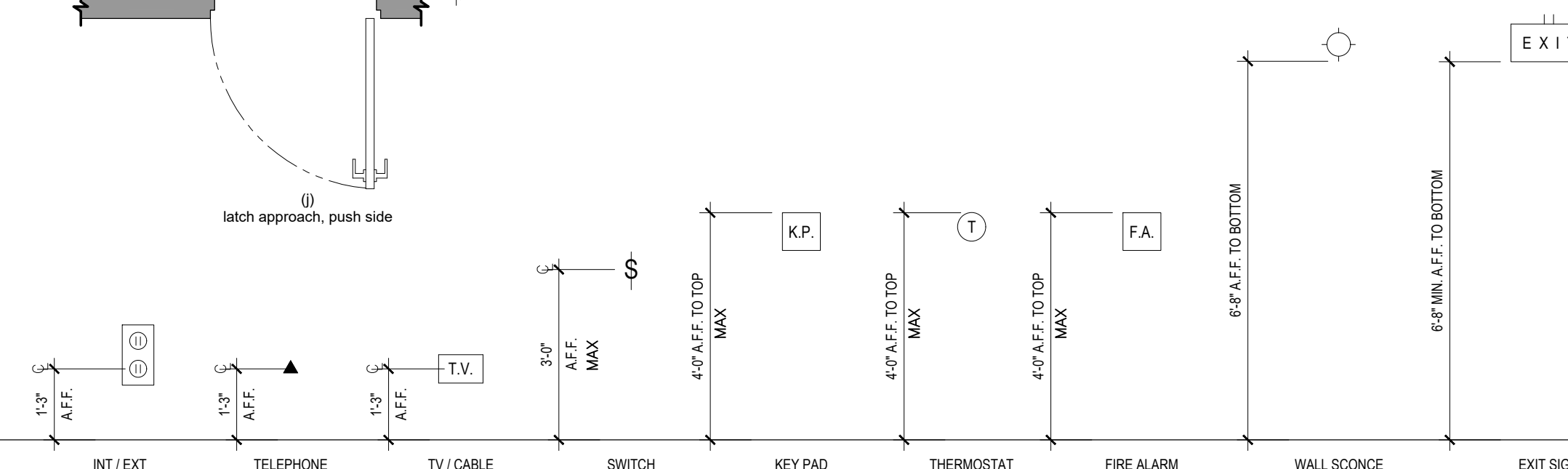
FIGURE 904.4 (EXCEPTION) ALTERATION OF
SALES AND SERVICE COUNTERS



**FIGURE 607.4.2 GRAB BARS FOR BATHTUBS WITH
REMOVABLE IN-TUB SEATS
*DIMENSIONS ARE IN INCHES**



**FIGURE 607.5 BATHTUB
CONTROL LOCATION**



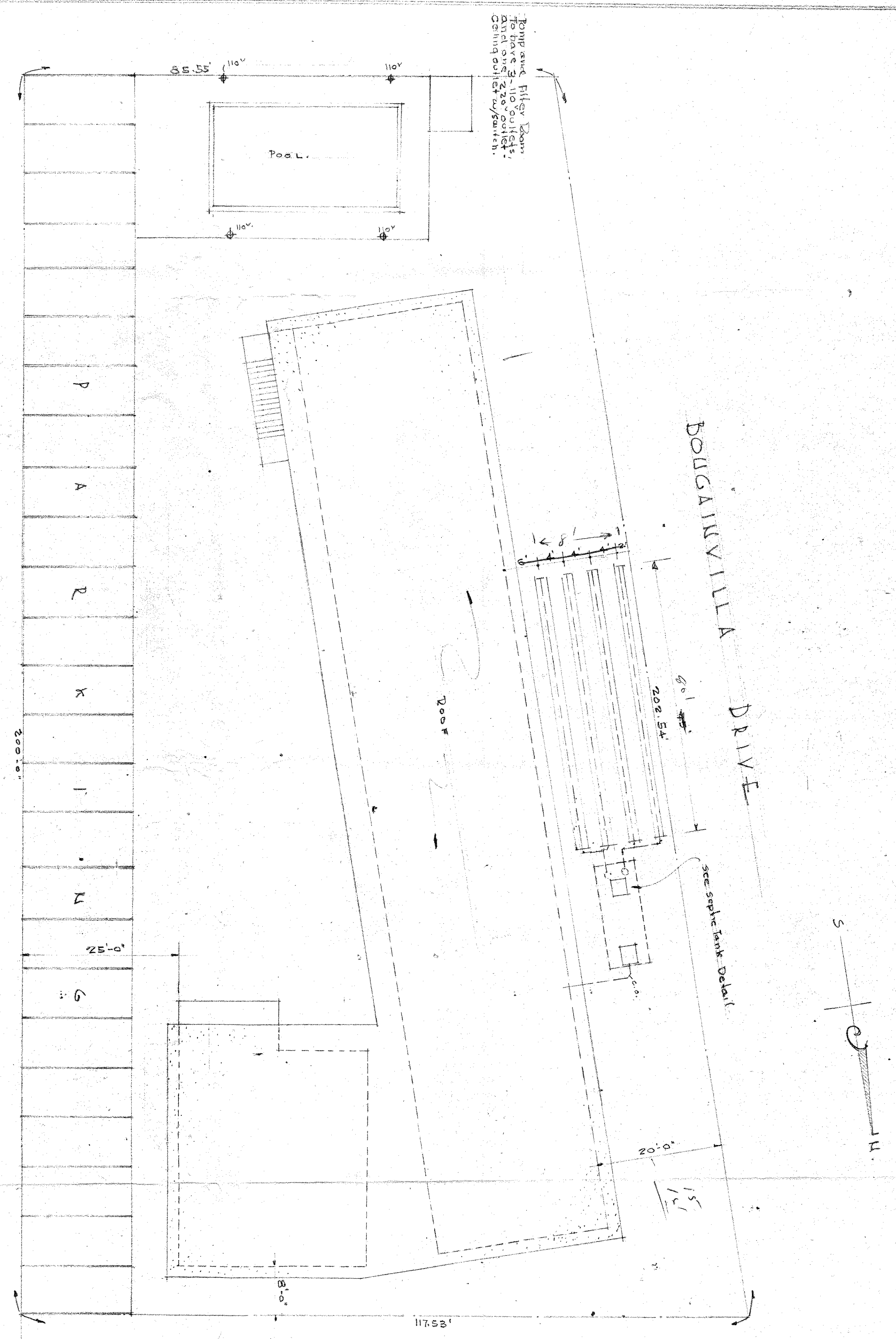
ELECTRICAL and ACCESSORY MOUNTING HEIGHTS

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 OPERABLE PARTS SHALL BE 5 POUNDS MAX AS PER ENR 1-250-200-4.

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 ANSII 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 SINKS, WATER SUPPLY AND DRAIN PIPES UNDER LAVATORIES AND SINKS SHALL BE INSULATED.
5. FAUCETS TO BE LEVER OPERATED, PUSH TYPE, OR ELECTRONICALLY 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 BE NO 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 P.T. 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 P.T. 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.





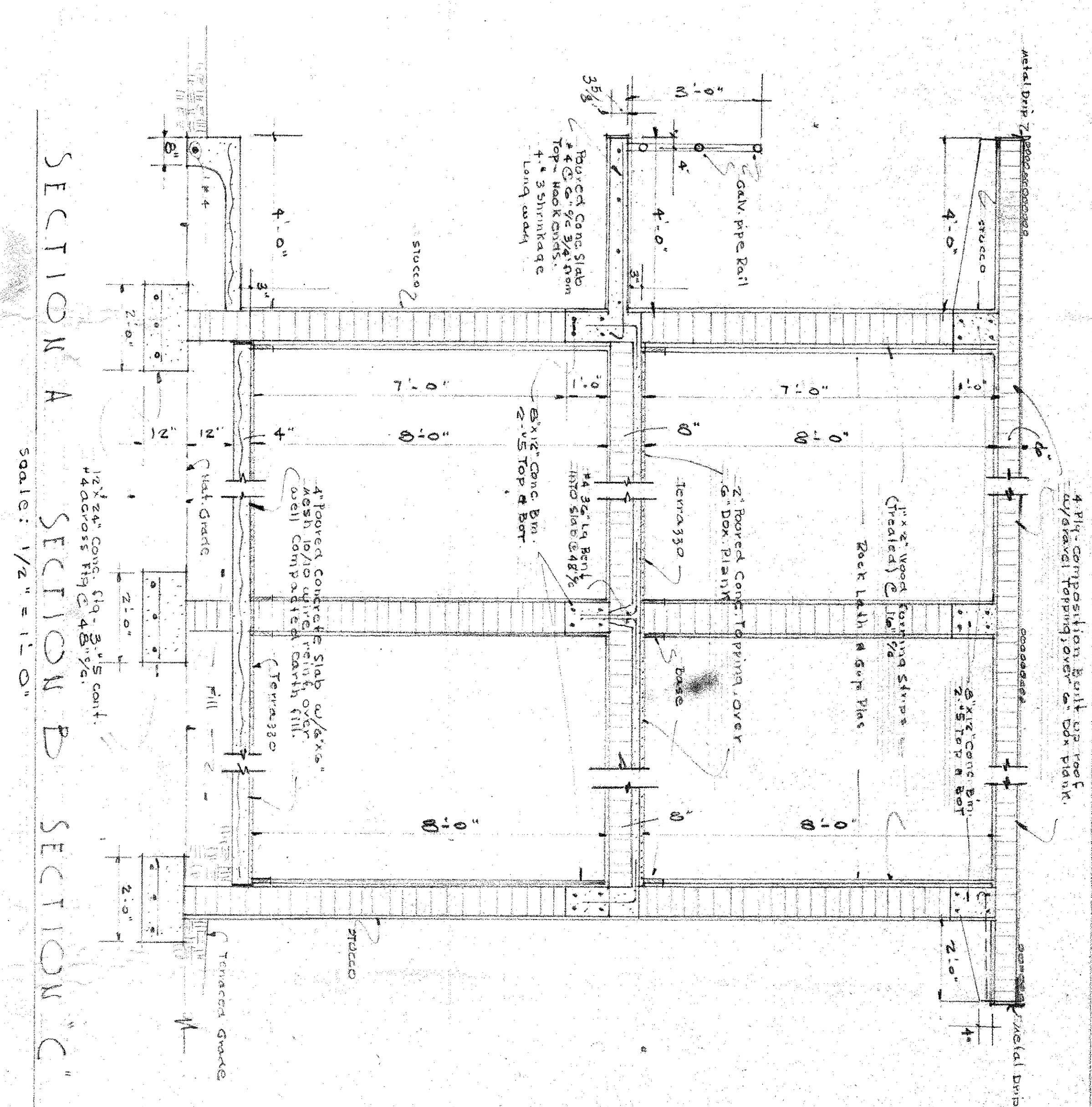
BOUGAINVILLE DRIVE

OCEAN DRIVE - STATE ROAD 11A

PLOT PLAN

Scale: 1"=10'-0"

lots 1-2-3 and 4, Block 30, LAUDERDALE BY THE SEA, FLORIDA



ELEVATION OF STAIRWAY SUPPORTING BRACKET

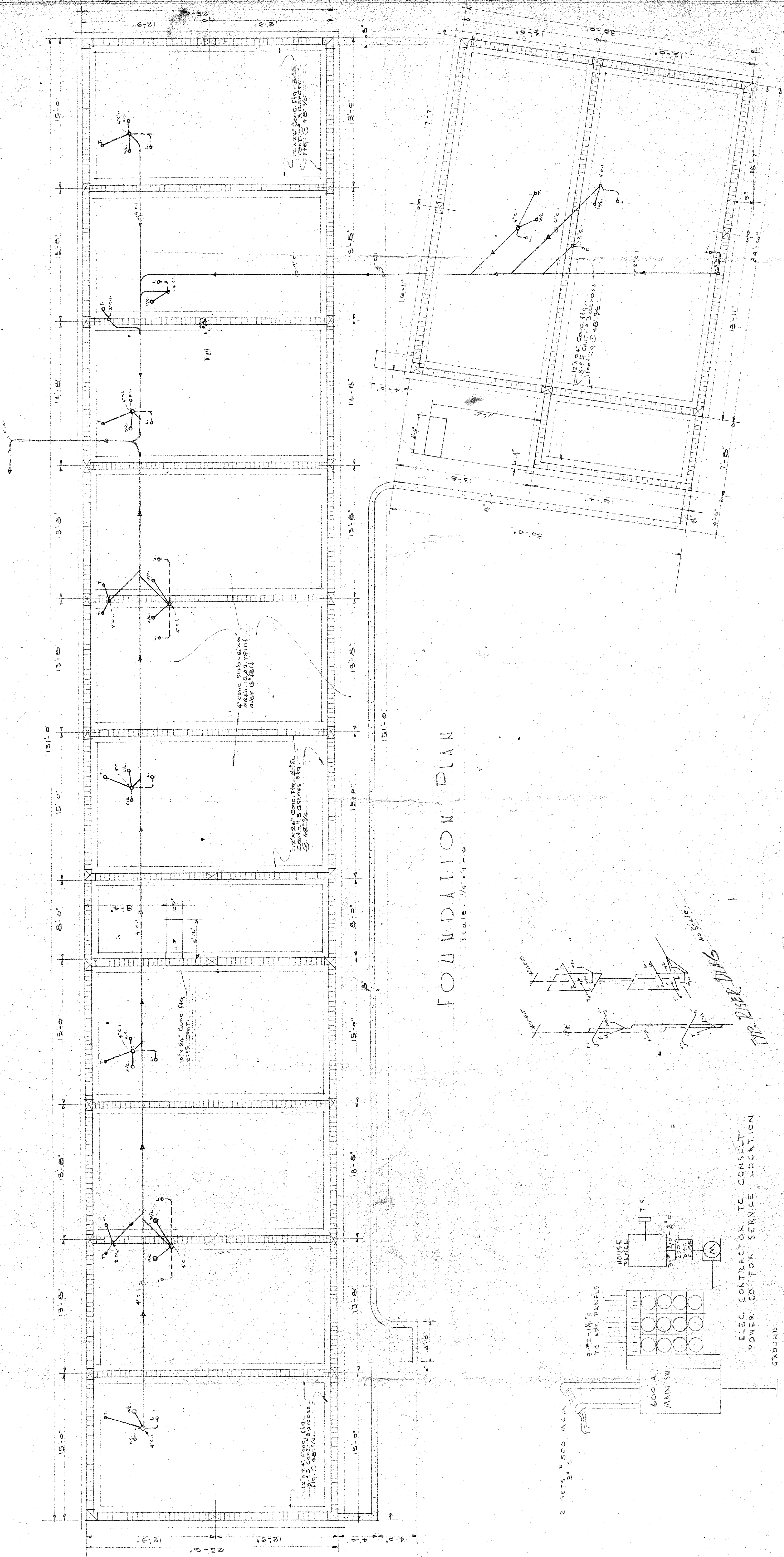
Scale: 1/2"=1'-0"

STAIRWAY DETAIL

Scale: 1/2"=1'-0"

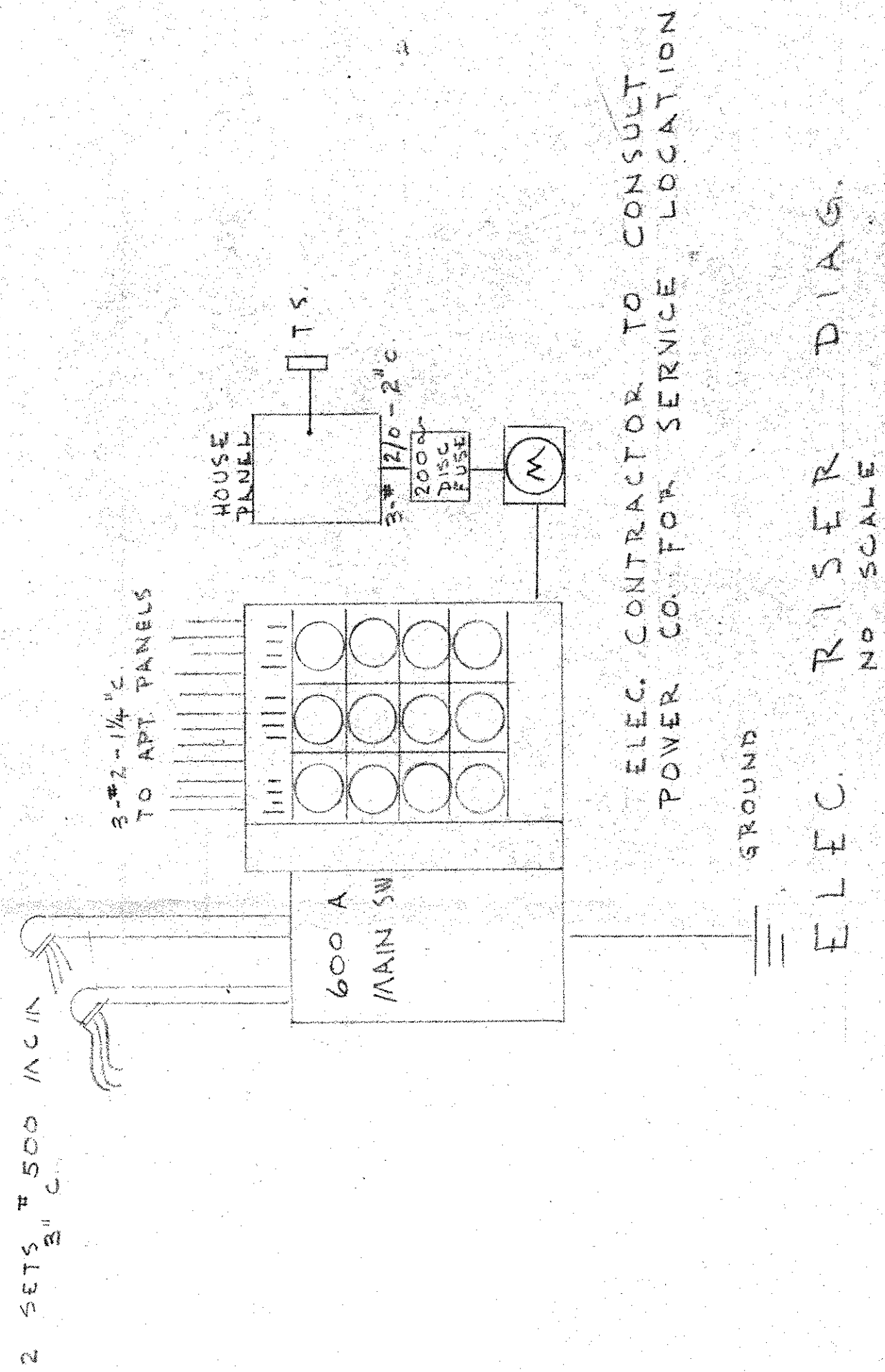
Margaret E. Burgess, Cnd.

APARTMENT BLDG WANDILL & WEAVER LAUDERDALE BY THE SEA, FLORIDA	
A. R. BURGGRAT - ARCHITECT 5,5 BURGGRAT-CONSULTANT 1427 N.E. 26th St. - WILTON MANORS - 335-2251 FORT LAUDERDALE, FLORIDA	
Sheet 1 of 5 Date June 5, 64 Drawn by B. Weaver Checked by A. R. B.	Project 41-35



FOUNDATION PLAN

Scale: 1/4" = 1'-0"

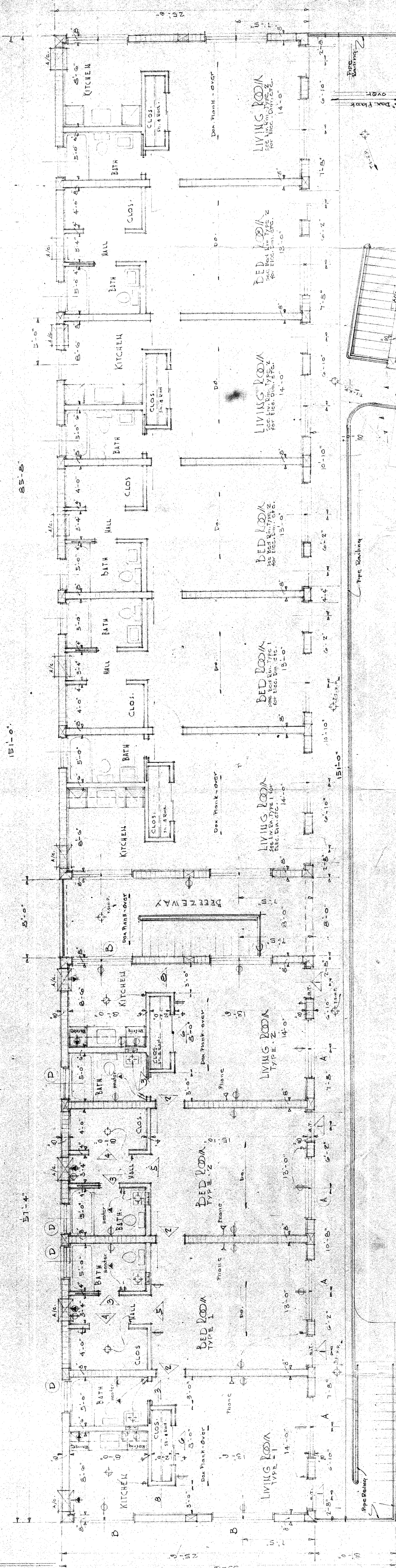


ELEC. CONTRACTOR TO CONSULT
POWER CO. FOR SERVICE LOCATION

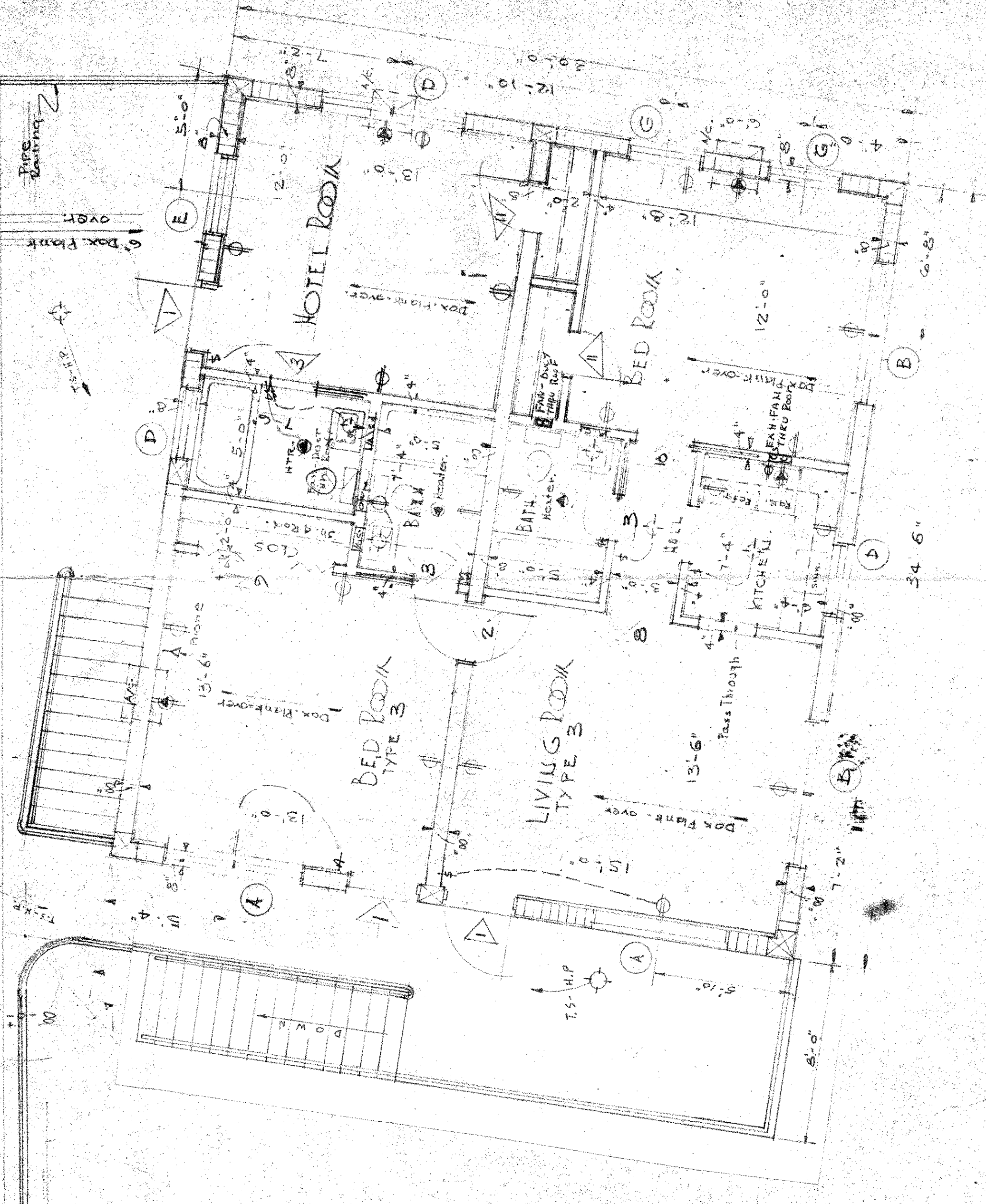
ELEC. RISER DIAG.
NO SCALE

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

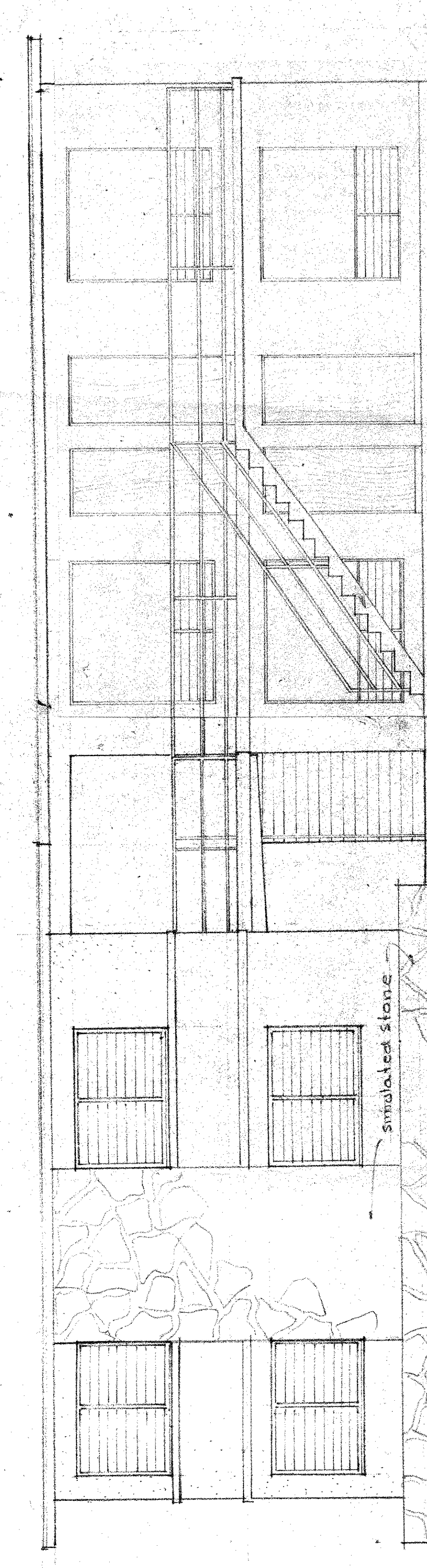


SECOND FLOOR PLAN
scale: 1/4" = 1'-0"

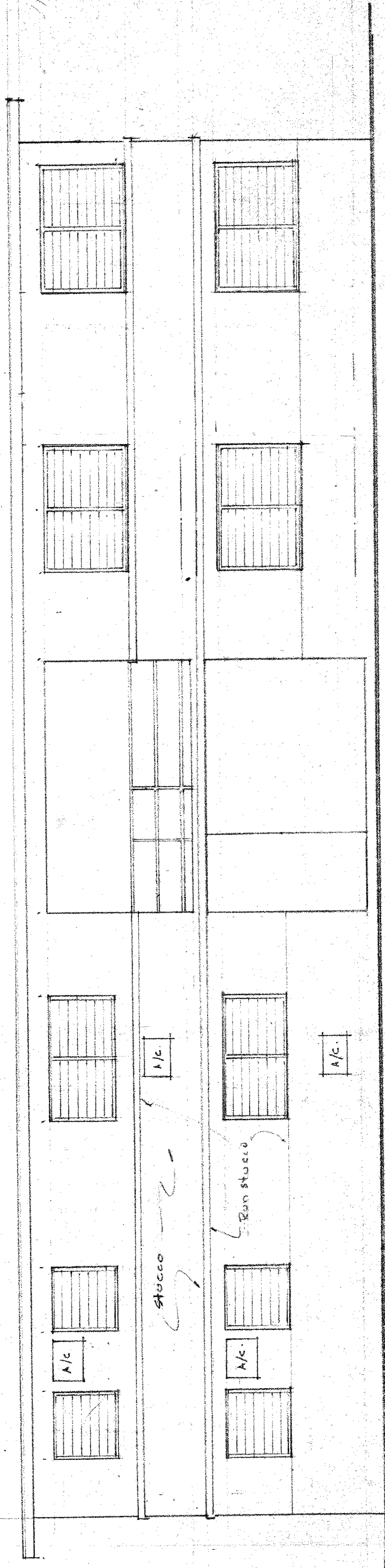


APARTMENT BLDG.	SHEET 4 OF 5
WADELL D. WEAVER	DATE: JUNE 5, 1944
1427 N. E. 26th ST. - WILTON MANORS, FLA.	DRAWN BY: B. WEAVER
A. R. DURGRAF - ARCHITECT	CHECKED BY: A. R. D.
SUBMITTANT: CONST. CONSULTANT	DATE: JUNE 5, 1944
1427 N. E. 26th ST. - WILTON MANORS, FLA.	FOOT LOCKERDALE, FLORIDA

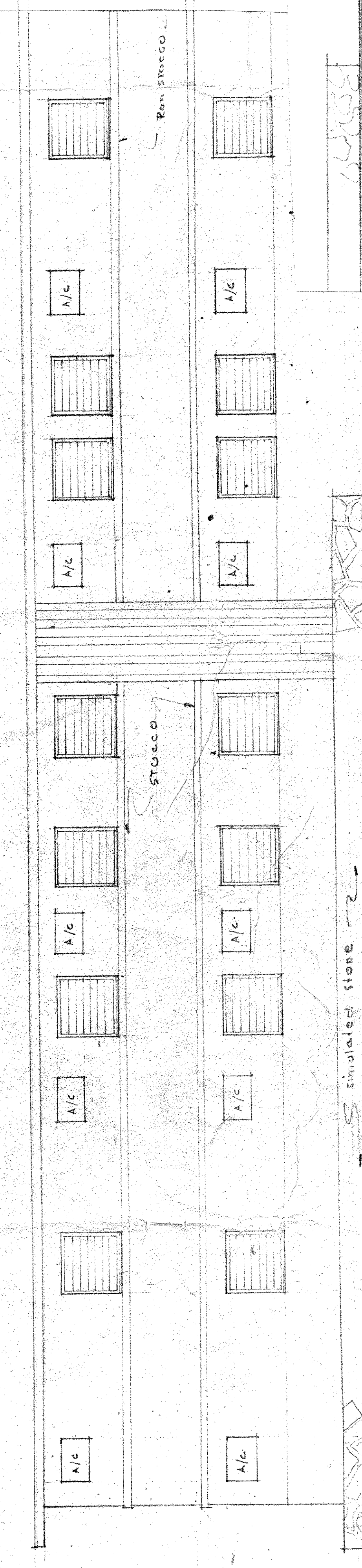
64-35



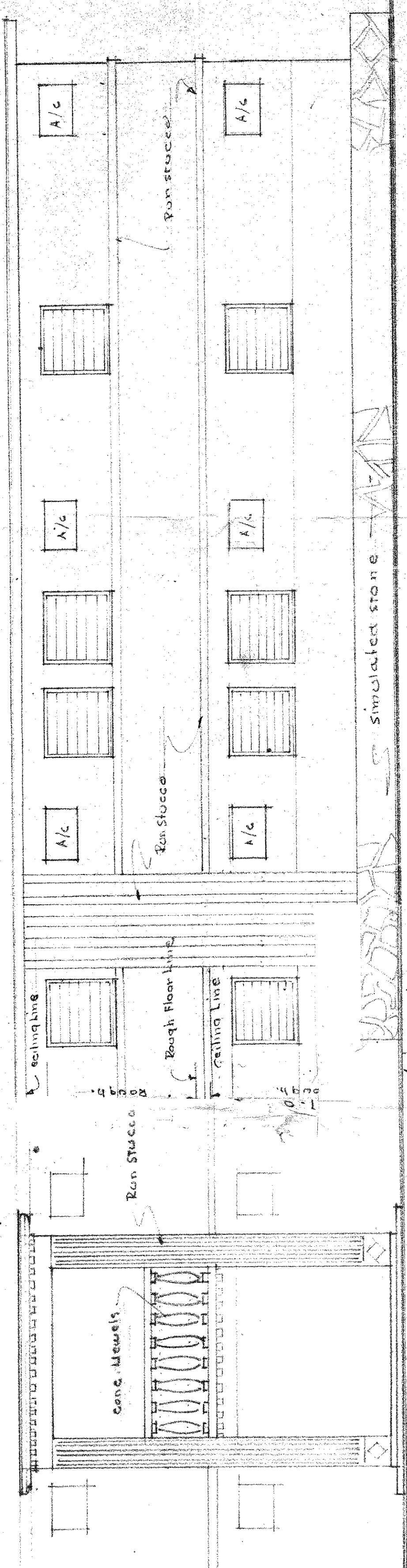
SOUTH ELEVATION
scale: 1/4"=1'-0"



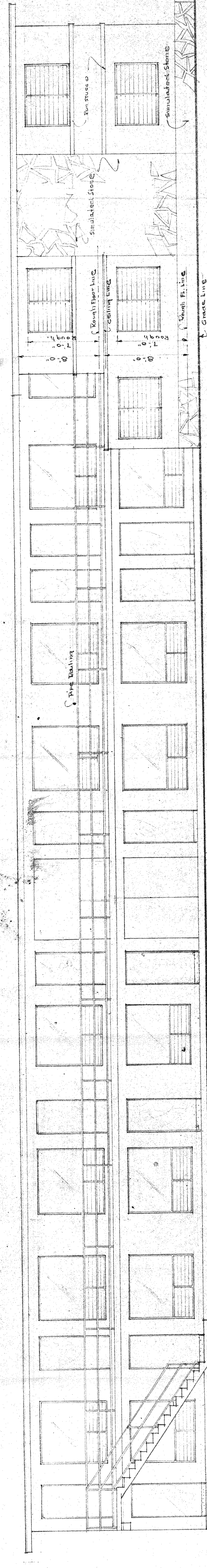
NORTH ELEVATION
scale: 1/4"=1'-0"



WEST ELEVATION
scale: 1/4"=1'-0"



EAST ELEVATION
scale: 1/4"=1'-0"



FRONT ELEVATION
scale: 1/4"=1'-0"

Prepared by: R. Dwyer, Archt.
Date: June 9, 1944

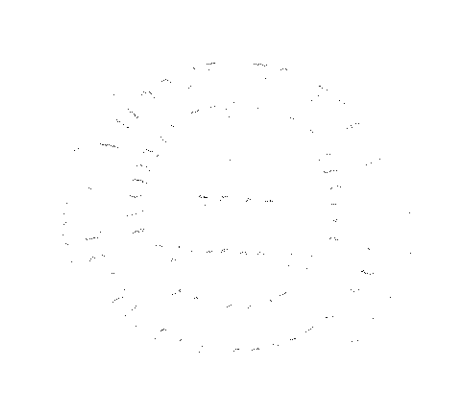
VANDERBILT UNIVERSITY	
APARTMENT BLDG.	
VANDERBILT B. DWYER	
STATE ROAD A.I.A.	
LAUDERDALE-BY-THE-SEA, FLORIDA.	
A.P. BURGGRAB - ARCHITECT	
S.J. BURGGRAB - CONSULTANT	
1427 N.E. 26th St. WILMINGTON, DE.	
FOOT LAUDERDALE, FLORIDA.	
Sheet	5 of 5
Date	June 5, 1944
Drawn by	S.S.B.
Checked by	M.P.B.
Scale	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 SAN FRANCISCO HAS THE RIGHT
OF THE SAME. THESE SHEETS WILL BE COMPLETED BY
THE ARCHITECT.
PERMIT NO. 9465
DATE 7/2/64
WILLIAM G. CAMPBELL
SUPERVISOR
ARCHITECT
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
SANITARIAN
THIS APPROVAL NUMBER F-1704
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.

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- (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

Exhibit 8

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.



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

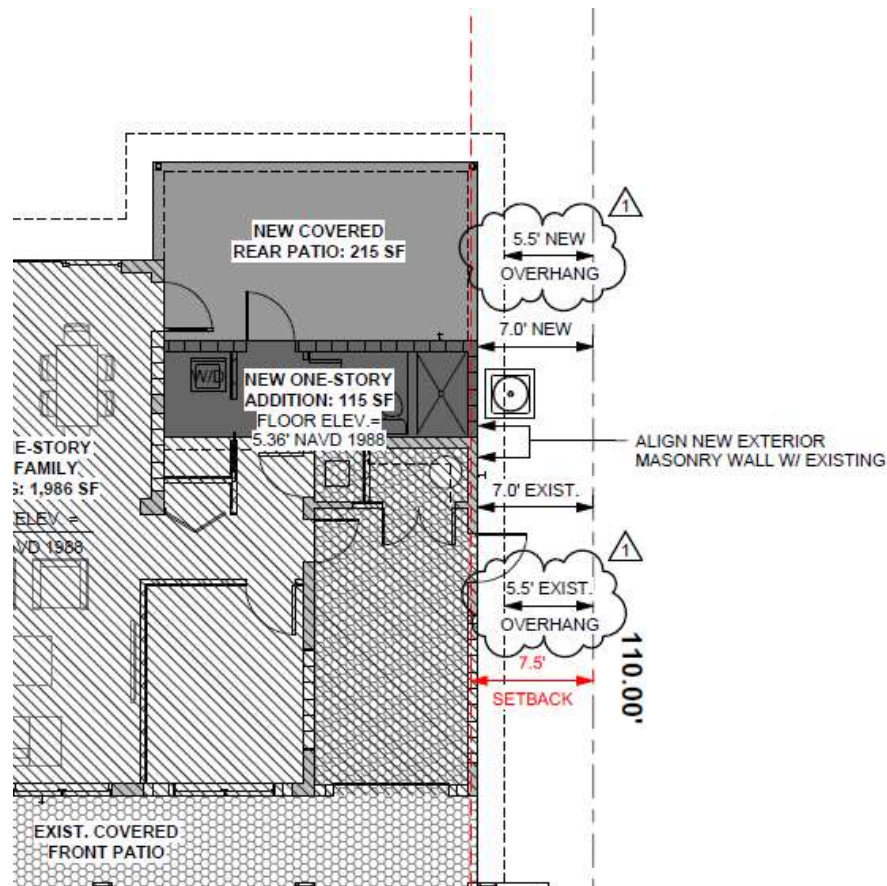
advertised pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code"). (**Exhibit 2**) Staff has received no comments from the public regarding this request.

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

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist and Fee Schedule.

Check appropriate application and block:

- | | |
|--|---|
| ☐ Appeal of Administrative Decision | ☐ 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

5/28/2020

Universal Application

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



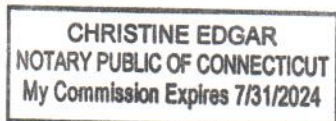
SWORN AND SUBSCRIBED before me by means of _____ physical presence or _____ online notarization, this day

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

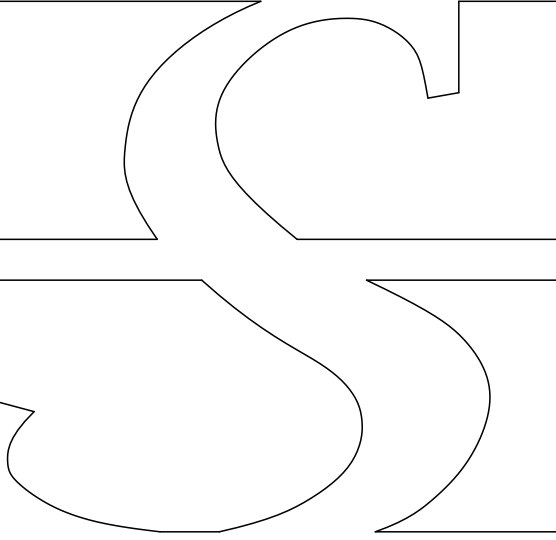
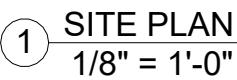


262 LOMBARDY AVENUE
LAUDERDALE-BY-THE-SEA, FL 33308

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

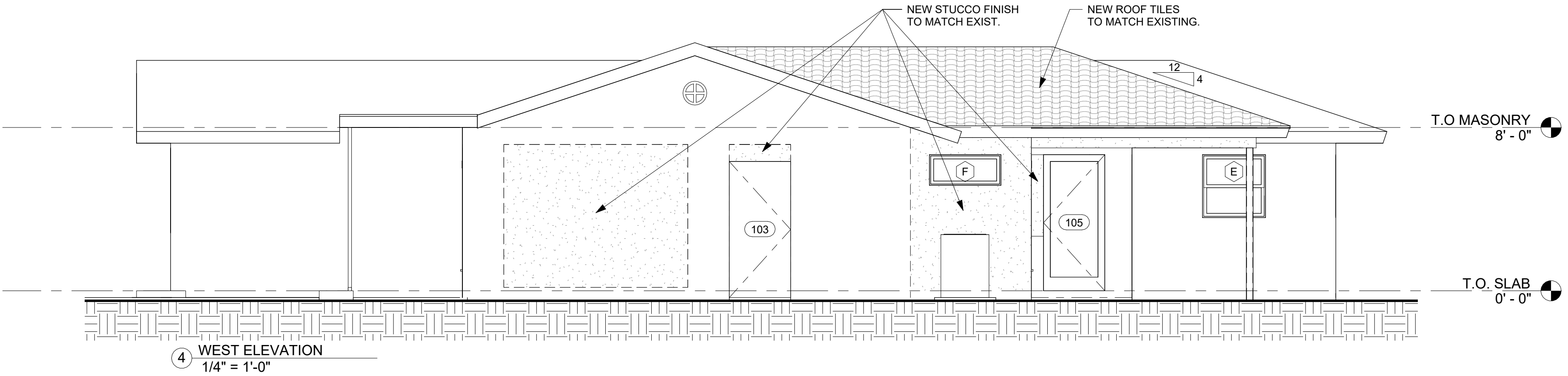
Date 01/28/2022

Drawn by DPG

Checked by SNS

A1

Scale As indicated



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
Drawn by	DPG
Checked by	SNS

A4

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

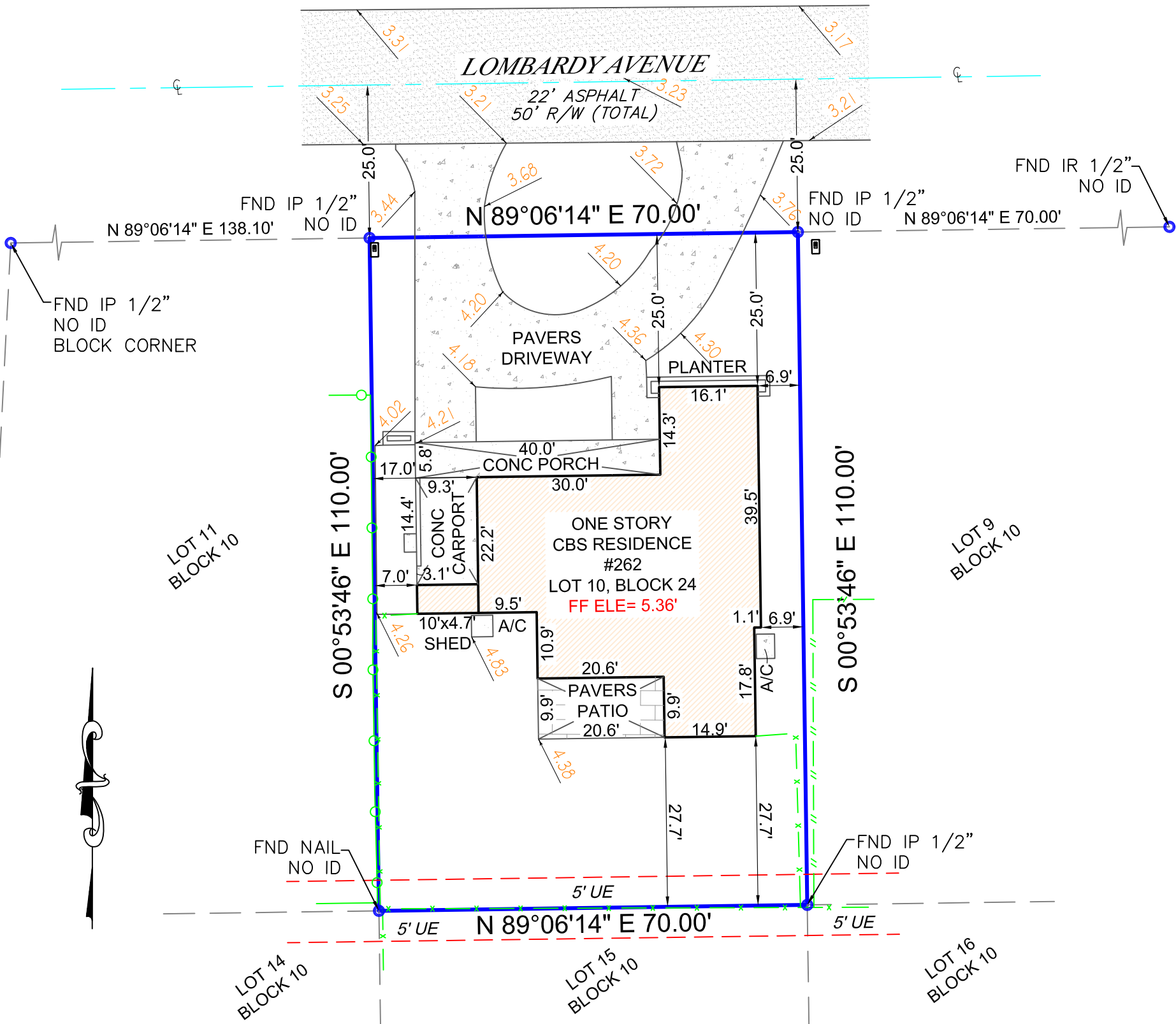
WATER METER

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	DATE OF SURVEY:	SCALE: 1" = 20'
BASE FLOOD: 5 - N/A	FIELD LOCATION OF IMPROVEMENTS	CADD: DJC
COMMUNITY #: 125123	11/10/2021	CHECKED BY: EWD
PANEL & SUFFIX: 0378 H		INVOICE #: 21-55825
DATE OF FIRM: 8/18/2014		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



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).

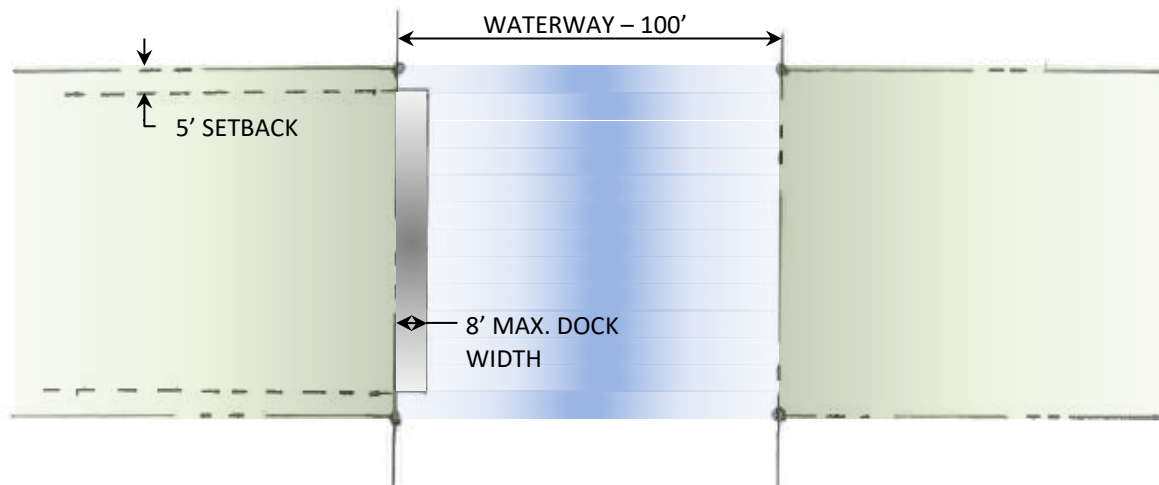


Diagram 1: Existing Dock Regulations

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.

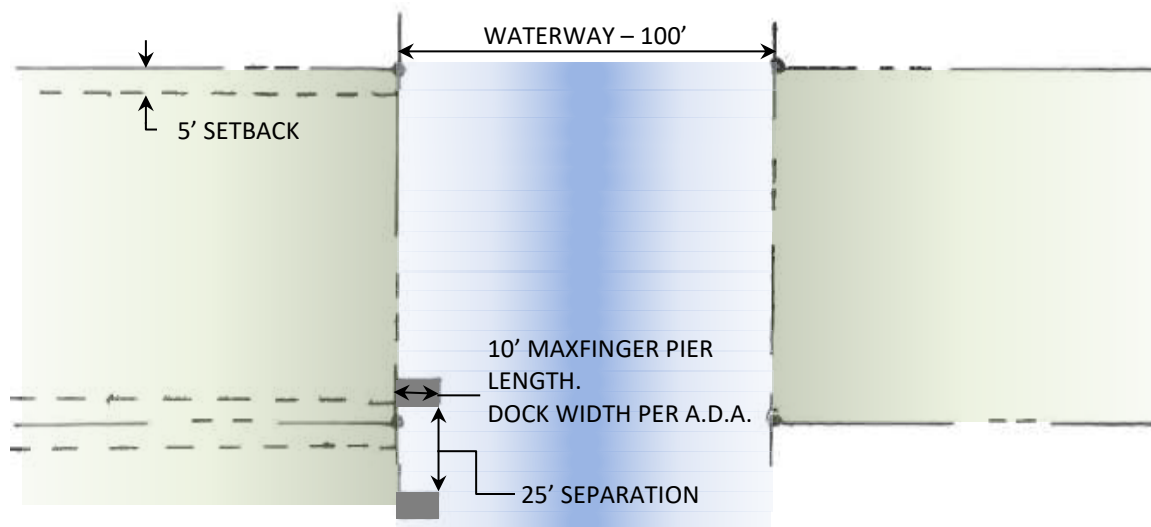


Diagram 2: Existing Finger Pier Regulations

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.

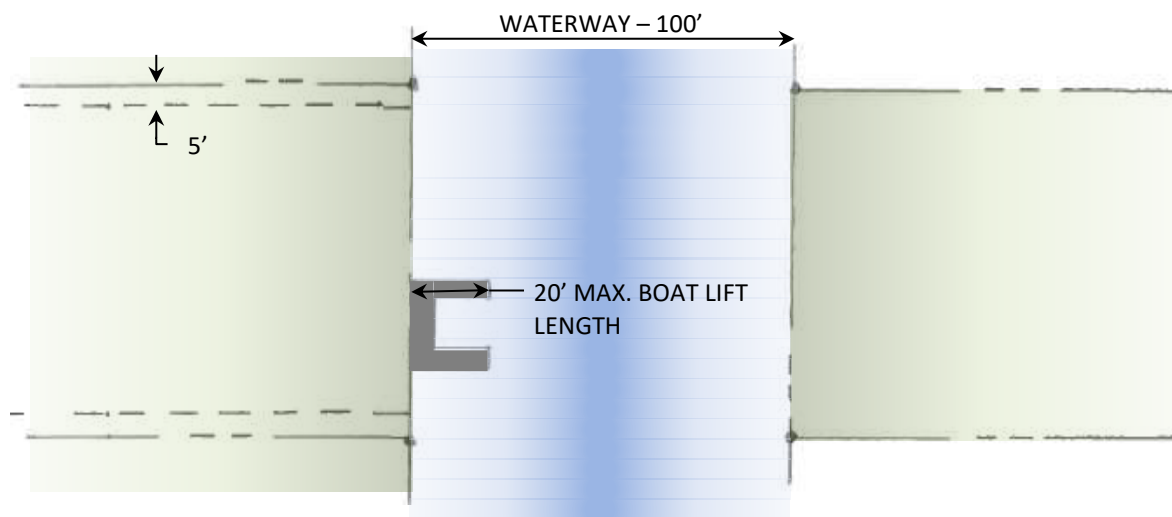


Diagram 3: Existing Boat Lift Regulations

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**.

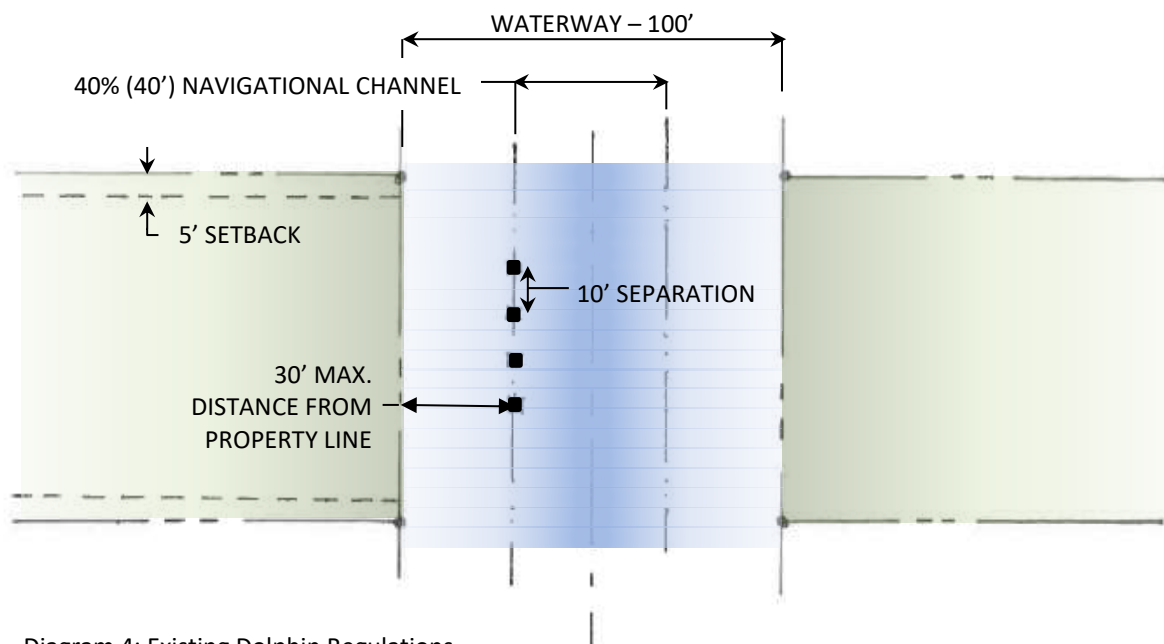


Diagram 4: Existing Dolphin Regulations

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.

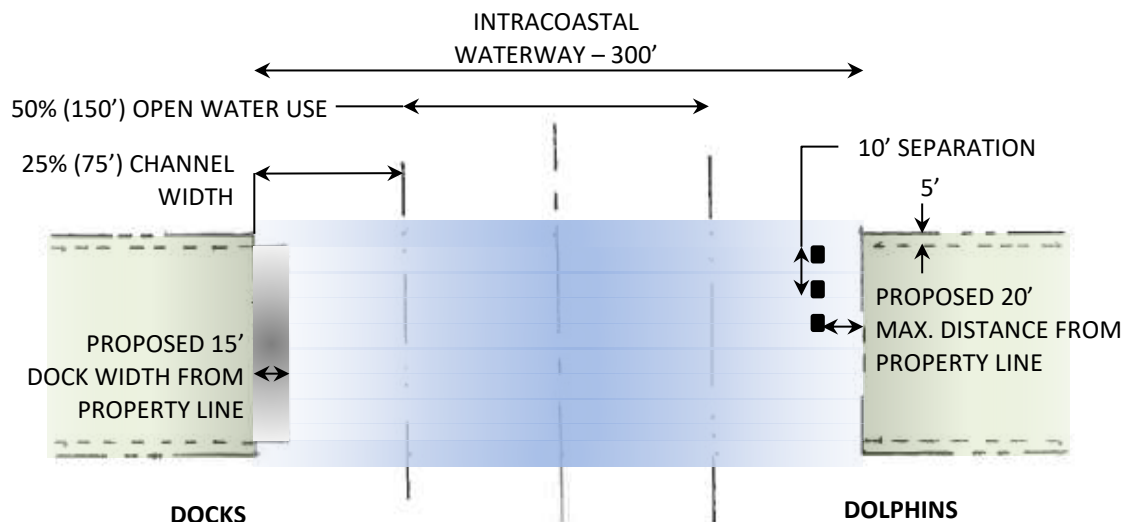


Diagram 5: Proposed Regulations

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 * * *

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 d~~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



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:

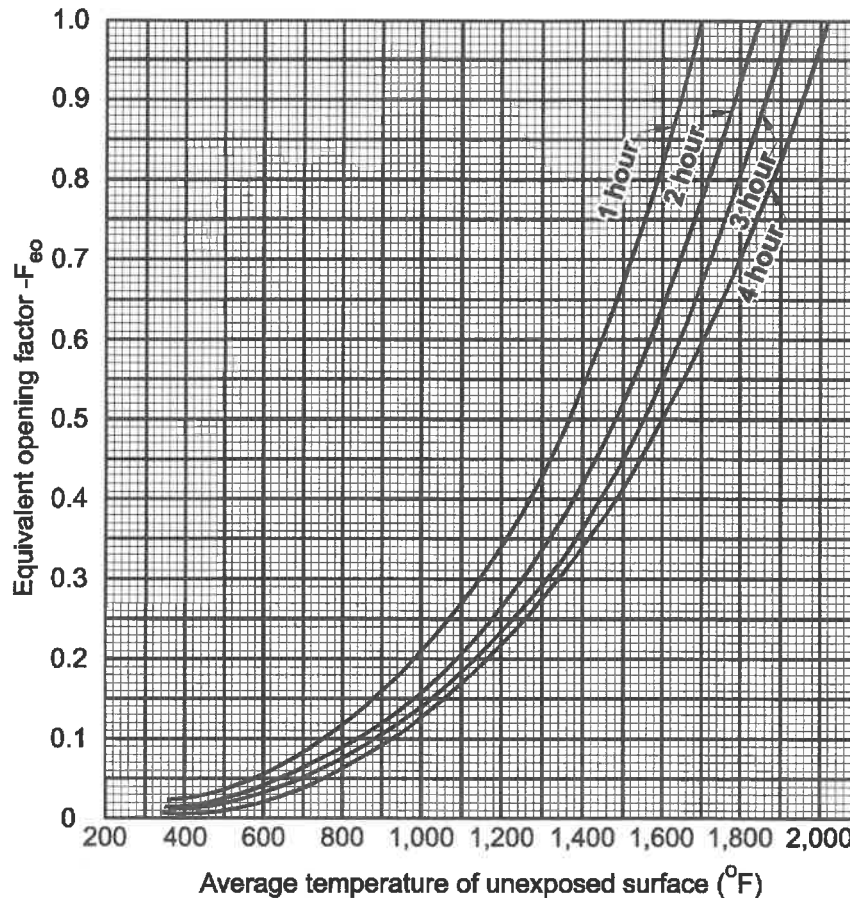
1. In other than Group H occupancies, unlimited unprotected openings are permitted in the first *story* above grade plane either:
 - 1.1. Where the wall faces a street and has a *fire separation distance* of more than 15 feet (4572 mm); or
 - 1.2. Where the wall faces an unoccupied space. The unoccupied 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 ^{a, 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									
Interior ^d	0	0	0	0	0	0	See Section 2304.11.2	0	0
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