



# AGENDA ITEM MEMORADUM

**Development Services**

Department

**Linda Connors**

Town Planner *LC*

<b>COMMISSION MEETING DATE (*) - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> July 10, 2012	June 29, 2012

\*Subject to Change

- Presentation       Reports       Consent       Ordinance
- Resolution       **Quasi-Judicial**       Old Business       New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

**SUBJECT TITLE:** Variance application requesting relief from Section 30-21(k) (1) to allow the alteration of a structure in a manner that increases its nonconformity and from Section 30-314(b)(6) to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower.

**EXPLANATION:** At the June 6, 2012 meeting, the Board of Adjustment reviewed an application from Leisure Towers (1500 South Ocean Boulevard), which is included as an attachment to the Town's staff report (Exhibit 1), to provide relief from Section 30-21(k) (1) and 30-314(b)(6) of the ULDR. A variance was necessary as the condominium's current well water system for their air conditioner condenser is failing and the recommendation is to replace the system with a cooling tower in the existing parking area. The recommended option would increase the existing parking non-conformity and as such necessitates the variance requests. The staff report (Exhibit 1) and the BOA meeting minutes (Exhibit 2) are attached.

**BOARD RECOMMENDATION:** After hearing testimony from the applicant and Town staff, the Board of Adjustment voted 3-0 to approve the variance requests with the following conditions:

1. The applicant is required to secure a building permit within 90 days of the approval of the Variance that meets all permit requirements except for Section 30-21(k)(1) and 30-314(b) (6), with the final cooling tower location subject to the approval of the Building Official.
2. The installation shall be in accordance with the submitted plans for the Board of Adjustment's June 6, 2012 hearing entitled, "Leisure Towers Condenser Water System Renovation," dated April 27, 2012, except as modifications may be required by the Building Official.
3. The cooling tower enclosure shall be painted to match the condominium building finish.
4. The Variance Order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense, and a certified copy of the recorded document returned to the Town within 30 days of the date of the building permit.

**RECOMMENDATION:** We recommend approval of the attached Order (Exhibit 3).

- EXHIBIT 1:** Staff Report
- EXHIBIT 2:** Board of Adjustment Action Agenda
- EXHIBIT 3:** Variance Order

Variance Order Reviewed by Town Attorney

- Yes       No

Town Manager Initials *CS*

# EXHIBIT 1



**Town of Lauderdale-By-The-Sea**  
Development Services  
4501 Ocean Drive  
Lauderdale-by-the-Sea, FL 33308

To: Board of Adjustment  
Thru: Bud Bentley, Assistant Town Manager  
From: Linda Connors, Town Planner  
Date: May 31, 2012  
Meeting Date: June 6, 2012  
Re: Leisure Towers Variance Request Application

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## STAFF REPORT

The purpose of this memorandum is to provide findings and recommendations regarding the variance application submitted by Leisure Towers, the condominium located at 1500 South Ocean Boulevard (**Exhibit 1**). The applicant and condominium association president, Gary Condra, is requesting relief from Section 30-21(k) (1) to allow the alteration of a structure in a manner that increases its nonconformity, and from Section 30-314(b)(6) to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower. For your information copies of the applicable code sections are attached (**Exhibit 2**).

The applicant has paid the appropriate fee and submitted the required documents. Staff reviewed the application and deemed it complete. The review of a variance is a quasi-judicial proceeding and as such, the Town is required to advertise the public hearing. Notice of this hearing was published in the Sun Sentinel on May 19, 2012 (**Exhibit 3**). In addition, notice to all property owners within 300 feet has been given pursuant to Section 30-13 of the Code of Ordinances. A map depicting the notice area is attached (**Exhibit 4**).

### Description of the Property

The subject property is a 118 - unit condominium located within the RM-25 zoning district. It was built in 1968 under Broward County zoning regulations. When permitted by Broward County, the property had 134 total parking spaces, 13 of which were designated as guest parking. Since the time of the construction, the County adopted new parking requirements which rendered Leisure Towers a legal non-conforming structure. In 2001, the property was annexed into the Town of Lauderdale-By-The-Sea. Should the property be redeveloped, the new building would be required to meet the Town's code of ordinances. The current Town code requires 202 parking spaces for the 118 - unit configured condominium with the same unit size allocation as shown in **Table 1**.

**Table 1 – Current Code Parking Requirements**

# of units	Unit Size	Total Required
14	1 bedroom (1 ½ spaces per unit)	21
102	2 bedroom (1 ½ spaces per unit)	153
2	3 bedroom (2 spaces per unit)	04
Guest	1 space per 5 units (118 units)	24
	<b>TOTAL</b>	<b>202</b>

**Variance Request**

The applicant is requesting relief from Section 30-21(k) (1) to allow the alteration of a structure in a manner that increases its nonconformity, and from Section 30-314(b) (6) to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower because the current method of cooling no longer works, the structure cannot feasibly support the placement of the cooling tower on the roof, and other possible ground locations could create negative impacts for neighboring residential uses.

The condominium currently utilizes a well water system for their air conditioner condenser. This system is original to the building, and is failing despite the installation of a reduced water volume pump and the installation of a new well in 2008. In 2011, the condominium association moved forward with hiring an engineer to design a cooling tower system and after reviewing the existing structural features of the building, he realized that the only economically feasible option would be to eliminate the well system and add a cooling tower at the ground level. The engineer identified four (4) options for the location of the tower on the ground level. These options were evaluated based on four design parameters, with an emphasis on the least impact to neighboring residential properties (Exhibit 1, Page 13). The engineer's recommended option is to install the cooling tower at the west side of the northern covered parking area. This option is the furthest away from the adjacent buildings so that the noise from the tower would not affect the neighbors (Exhibit 1, Pages 18 – 20). This would require utilizing the area that currently includes three (3) paved parking spaces and would require an increase in the parking lots current non-conforming status.

As stated previously, the existing condominium was designed and approved with a total of 134 parking spaces with 13 spaces assigned for guest parking consistent with the Broward County code requirements in place at the time of original approval and construction. Using today's code standards, the development would be required to have a total of 202 parking spaces (Table 1). Because the property was legally permitted and approved with the 134 spaces, the Town considers this property a legal non-conforming structure. Per code, the non-conformity shall not be increased (Table 2). Since the applicant is proposing to locate the air cooling tower within the parking lot and reduce the existing non-conforming parking by three (3) spaces, the Town must approve a variance for the applicant to move forward.

**Table 2**

Variance	Code Requirement	Code Section
Reduce parking by 3 spaces	No such building or structure shall be enlarged upon or altered in any way that increases its nonconformity.	30-21(k)(1)
	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.	30-314(b) (6)

**Criteria and Analysis**

Section 30-8 of the Town code addresses the criteria for consideration of an application for a variance. The Town Code requires the Board to evaluate the variance applications by considering the following criteria:

1. Special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of such land, structure or building.

Findings: The existing air conditioning system is failing and the condominium structure was not originally built to support a cooling tower on the rooftop. The structural improvements necessary to support the cooling tower on the roof are not economically feasible. It is also not physically feasible to continue utilizing a well cooling system.

2. The circumstances, which cause the hardship, are peculiar to the property or to such a small number of properties that they clearly constitute marked exception to other properties in the district.

Findings: While other condominiums in the area may have been built with a well water cooling system, the system on this property has been failing an average of once every ten years and the current system is failing at a much shorter time frame. This would indicate a problem with the water table at this location being able to support this system. This hardship would affect a small number of properties in the district as water tables vary significantly in different locations. The circumstances are peculiar to a small number of properties and as such the request constitutes an exception to other properties in the district.

3. The literal interpretation of the provisions of the applicable regulation would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

Findings: By not allowing the proposed location of the cooling tower, the building will not have means to provide air conditioning to the building unless new water wells are installed.

4. The hardship is not self-created or the result of mere disregard for, or ignorance of the provisions of the regulations.

Findings: The condominium is an existing non-conforming use. In 2008, the association installed a reduced water volume pump to correct the issue and hired an engineer in 2011 to evaluate the system. Their recommendation to locate the cooling tower in the proposed location was based on several design iterations to find an alternative that would meet the needs of the condominium and also have minimal impact on the neighboring residences.

5. The variance is the minimum variance that will make possible the reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the applicable zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Findings: The Engineer researched and selected the model and manufacturer that produces the lowest sound levels with the smallest foot print and the lowest

equipment height to ensure the minimal visual and sound impact to the neighboring community.

6. The grant of the variance does not permit a use not generally permitted in the district involved or a use expressly or by implication prohibited by the terms of the regulations of the district in which the affected property lies.

Findings: The property owner is merely requesting a variance to allow for an increase in an existing non-conformity (parking spaces).

7. Financial hardship is not a basis for granting a variance unless the failure to grant the variance will render the property unusable as a permitted use in the zoning district in which the property lies.

Findings: The property would not be rendered unusable if the variance is not approved.

**STAFF RECOMMENDATIONS:** Staff recommends approval of the variance request with the following conditions:

1. The applicant shall be required to secure a building permit that meets all permit requirements except for Section 30-21(k)(1) and 30-314(b) (6), with the final cooling tower location subject to the approval of the Building Official, within 90 days of the approval of the Variance.
2. The installation shall be in accordance with the submitted plans for the hearing entitled, "Leisure Towers Condenser Water System Renovation," dated April 27, 2012, except as modifications may be required by the Building Official.
3. The cooling tower enclosure shall be painted to match the condominium building finish.
4. The Variance Order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense, and a certified copy of the recorded document returned to the Town within 30 days of the date of the building permit.

The variance request and the Board's recommendations will be scheduled for Town Commission consideration at their July 10<sup>th</sup> meeting.

**EXHIBIT 1**

**ZONING VARIANCE APPLICATION**

**BY**

**LEISURE TOWERS ASSOCIATION, INC.**

**LOCATED AT**

**1500 SOUTH OCEAN BLVD.  
LAUDERDALE-BY-THE-SEA, FLORIDA 33062  
PHONE: (954) 946-2444  
FAX: (954) 946-2488**

**APPLIED TO:**

**TOWN OF LAUDERDALE-BY-THE-SEA  
PLANNING & ZONING  
DEVELOPMENT SERVICE DEPARTMENT  
4501 OCEAN DRIVE, FLORIDA 33308**

**PREPARED BY:**

**FLORIDA ENGINEERING & DESIGN GROUP, INC.  
5253 NW 33<sup>RD</sup> AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
PHONE: (954) 730-3400  
FAX: (954) 730-3414**

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- A- VARIANCE REQUIREMENTS COMPLETED FORM**
- B – SUBMITTAL CHECKLIST**

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**3– COVERSHEET FOR PLAN PACKAGE WITH PROJECT DESCRIPTION**

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**5 – PROPERTY AREA PHOTOGRAPHS**

- A- LEISURE TOWER & ADJACENT PROPERTIES**
- B- LEISURE TOWER CURRENT LAY-OUT**
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- D- DESIGN STUDY OPTION “A” DISTANCE TO ADJ. STRUCTURES.**
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**7– PROPERTY PARKING SPACES EVALUATION**

**SEPARATE ATTACHMENTS (EACH IN TABLOID SIZE):**

- A- CURRENT SURVEY OF PROPERTY**
- B- PROPOSED SITE PLAN**
- C- PROPOSED COOLING TOWER ENCLOSURE ELEVATIONS**
- D- PROPOSED COOLING TOWER, DIMENSIONS & SOUND LEVELS**



TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA  
ZONING VARIANCE

**PROPERTY/APPLICANT INFORMATION**

Date: May 4, 2012

Case Number Assigned: 2012-V-001

Property Address: 1500 South Ocean Boulevard, Lauderdale-By-The-Sea, FL 33062,

Legal Description: Lot \_\_1\_\_ Block \_\_6\_\_ Folio 4943 07 00 000 & 4943 06 00 0440

Subdivision \_\_\_\_\_

Zoning District: RM25

Property Owner's Name: Leisure Towers Association, Inc.

Address: 1500 South Ocean Blvd. - Lauderdale-By-The-Sea, FL 33062

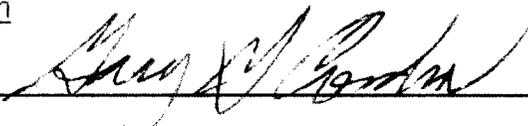
Phone #: (954) 946-2444 Fax (954) 946-2488

Email address: ltapalmer@aol.com

Owner/Applicant's Name: Leisure Towers Association, Inc.

Phone #: (954) 946-2444 Fax (954) 946-2488

Email address: ltapalmer@aol.com

Signature of Applicant/Owner:  (President)

Print Name of Applicant/Owner: Gary G. Condra

State of : Florida

County: Broward

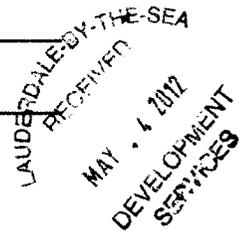
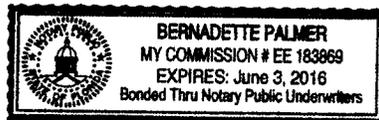
Notary: Bernadette Palmer

My Commission expires : June 3, 2016

Personally Known:  ID: \_\_\_\_\_

\*Letter required from Owner if represented by Agent.





# VARIANCE REQUIREMENTS

Code Section from which Variance is sought: Zoning & Parking

Description of your request:

Authorization for the installation of a new cooling tower with an enclosure wall and ancillary equipment at ground level.

Describe the existing special conditions and circumstances affecting the land, structure or building involved preventing the reasonable use of said land, structure, or building:

The Building currently uses well water for the Condenser Water System to provide cooling for the entire building. The well water system is currently failing again and has been failing at shorter and shorter intervals as compared to previous well failures, requiring the installation of new wells.

As the well fails, the reduced well water level causes cavitation in the pump equipment and the system does not receive enough water from the well.

That condition reduces the amount of heat that can be dissipated, leaving the building at higher cooling water temperature levels and ultimately causing the A/C equipment to shut down because of high water temperatures.

Since the well water level continues to decrease and current EPA regulation discourage installation of wells, the only prudent solution is installing a cooling tower with the necessary ancillary equipment.

Describe the circumstances, which cause the hardship to be peculiar to the property or to such a small number of properties that they clearly constitute marked exception to other properties in the district:

The Building was never equipped with a Cooling Tower and the existing structural design does not support a cooling tower on the roof of the building. In order to provide the required condenser water cooling, the cooling tower must be installed at ground level.

Without a cooling tower the building will not have means to provide conditioned air in the interior of the building unless new water wells are installed.

Describe why the literal interpretation of the provisions of the applicable would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same district. It is of no importance whatever that the denial of the variance might deny to the property use in a more profitable way or to sell it at a greater profit than is possible under the terms of the regulations:

The installation of the cooling tower requires reducing the total parking space count on the property by 3 spaces and the erection of a 13'-10" high sight wall enclosure 37'-10" East of the West property line.

Explain why the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of the regulations: \_

The existing well water cooling system is failing and cooling for the building must be provided.

Describe how the variance is the minimum variance that will make possible the reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the applicable zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

The Proposed Site Plan is the result of various site studies, taking into account local "Noise Ordinances" and "Zoning Regulations".

The proposed lay-out is the best possible location for the equipment regarding noise levels as well as the least obtrusive construction regarding the view from adjacent properties and the building itself.

The proposed lay-out with the equipment inside a sight wall enclosure does not present any danger to the public welfare or be injurious to the neighborhood.

**Attach additional pages if necessary**

**Supply copies of the following:**

Two (2) Sealed Surveys of the entire property, completed within sixty (60) days of the date this application is filed. The survey must clearly identify and indicate distances between all structures, property lines, setbacks, easements, and adjacent rights of way.

Eight (8) copies of a Site Plan under Seal of a Florida licensed Architect or Engineer, which clearly depicts the proposed improvements, which necessitates the variance in relation to the above-delineated elements for survey. For single-family and duplex properties the site plan drawn to scale, which depict the proposed improvements, which necessitates the variance, does not need to be sealed.

In addition, the Applicant must complete the application submission checklist form that is attached.

**To be completed by Town**

Date Application submitted: 5/4/2012

Date Application found complete: \_\_\_\_\_

Pre-Application meeting date: \_\_\_\_\_

Board of Adjustment meeting date: 6/6/2012

Town Commission meeting date: \_\_\_\_\_

**Zoning Code Variance Fee Amount:**

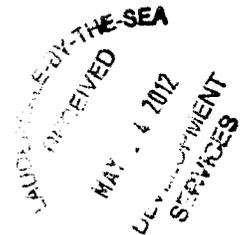
Single Family \$350.00 (Resolution 2008-03) \_\_\_\_\_

All other Variance submissions \$350.00 ✓

Minimum Deposit for Consultant(s) \$500.00 ✓

**TOWN OFF-SITE CONSULTANT FEE ( if applicable)**

CA # 22296



**NOTE: The Town Code provides for cost recovery of outside consultants, legal advertising costs, direct mail notice costs, etc. and depending on the scale of the project, additional fees may be incurred. Therefore, the above fees reflect a \$500 deposit for third party fees. Any unused portion of the \$500 deposit will be refunded to the Applicant.**

TIMBERDALE-BY-THE-SEA  
RECEIVED  
MAY - 4 2012  
DEVELOPMENT  
SERVICES

**Application Submittal Checklist – Variance – \*Other than single family homes**

NOTE: The project Architect or Engineer must complete the portion below in order for the application and plans to be accepted.

**General Requirements**

(X) Application submitted prior to noon with Application fee in the amount of \$350.00 plus a deposit fee of \$500.00 for third party plan review fees. Any unused portion of the \$500.00 deposit will be refunded. Total due \$850.00.

Note: Make check payable to Town of Lauderdale-By-The-Sea.

- (X) Sheet size of plans cannot exceed 24" X 36"
- (X) Plan sets must be bound, stapled, and folded into a size no larger than 8 1/2" X 11"
- (X) Two (2) set of all plan sheets reduced to 8 1/2" X 14"
- (X) All other required documents must be stapled, bound or in a folder, not larger than 8 1/2" X 11"
- (X) Copy sets are provided in color if original signed and sealed set is in color.

**One (1) copy of the following:**

- (X) Completed application
- (X) Proof of ownership
- (X) Property owner's signature and agent letter
- (N/A) Traffic Study if applicable
- (X) Color photographs of the entire property and all surrounding properties. All photographs are required to be dated and labeled and identified as to the orientation.
- (N/A) Model replica if applicable

**Two (2) original signed and sealed set AND seventeen (17) copy sets in the following order:**

- (X) Cover Sheet for plan package describing project details
- (X) Three (3) copies of current survey of property completed within sixty (60) days of the date the application is filed.
- (N/A) Most current recorded plat including amendments
- (X) Plans as specified to include but not limited to
  - (X) A. Site Plan
  - (X) B. Details
  - (X) C. Floor Plans
  - (X) D. Building Elevations
  - (N/A) E. Additional Renderings
  - (N/A) F. Landscape Plans

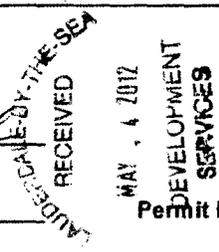
I acknowledge that the Required Documentation and Technical Specifications of the application are met:

Print Name: WALTER CONNORS  
Signature: [Signature]  
Date: 4-27-12

PE / AIA Seal  
[Signature]  
4-27-12

**For Department Staff use only:**

Date: 5/4  
Received By: [Signature]  
Tech. Specs Reviewed by: \_\_\_\_\_



Permit Number assigned: 2012-V-001







- Streets
- Parcels
- Aerials (2012)
- County Boundary

# LEISURE TOWER

0 67 ft

Created on 4/30/2012 4:42:54 PM using ArcIMS 4.0 1. Source: Broward County Property Appraiser



**FLORIDA ENGINEERING & DESIGN GROUP, INC.**  
**- CONSULTING ENGINEERS -**  
5253 N.W. 33<sup>rd</sup> Avenue, Fort Lauderdale, Florida 33309  
Phone: (954) 730-3400 - Fax: (954) 730-3414

April 27, 2012

**Town of Lauderdale-By-The-Sea**  
**4501 Ocean Boulevard**  
**Lauderdale-By-The-Sea, Florida 33308**  
**-Planning & Zoning-**  
**Attn.: Ms. Linda Connors –Town Planner**

**Re: Leisure Towers – Condenser Water System Renovation-**  
**-Cover Page & Project Description-**

**Location: 1500 South Ocean Boulevard**  
**Lauderdale-By-The-Sea, FL 33062**

Dear Ms. Connors,

Attached is the Application Package for the Zoning Variance for the above indicated property.

The project is for the proposed installation of a cooling tower with ancillary equipment at the ground level of the property.

The proposed enclosure of the cooling tower, located at the SW corner of the northern covered parking area contains also the necessary pump and electrical equipment.

The proposed condenser water piping and electric power supply will be routed under-ground in the asphalt paved northern parking area.

A new condenser water boiler is proposed to be installed inside the mechanical pump room with a vent terminating at the NE wall of the existing mechanical room.

.....

*Town of Lauderdale-By-The-Sea, Planning & Zoning  
Re: Leisure Tower, 1500 S. Ocean Blvd.-  
Condenser Water System Renovation-Cover Page & Project Description-  
Attn.: Ms. Linda Connors – Town Planner-  
April 27, 2012, Page 2*

**The Natural Gas supply for the boiler is proposed to be connected to the existing gas meter located at the SE corner of the parking lot and routed under-ground through the asphalt paved parking area in front of the building to the location of the new boiler.**

**We trust the application is complete and are looking forward to work with you in expediting this project.**

Sincerely,



**Ward C. Connors, P.E.  
FL. Reg. #: 45839**

4-27-12



**FLORIDA ENGINEERING & DESIGN GROUP, INC.**  
**- CONSULTING ENGINEERS -**  
5253 N.W. 33<sup>rd</sup> Avenue, Fort Lauderdale, Florida 33309  
Phone: (954) 730-3400 - Fax: (954) 730-3414

April 27, 2012

**Town of Lauderdale-By-The-Sea**  
**4501 Ocean Boulevard**  
**Lauderdale-By-The-Sea, Florida 33308**  
**-Planning & Zoning-**  
**Attn.: Ms. Linda Connors –Town Planner**

**Re: Leisure Towers – Condenser Water System Renovation-FEDG & Site development history**

**Location: 1500 South Ocean Boulevard**  
**Lauderdale-By-The-Sea, FL 33062**

Dear Ms. Connors,

Our Firm became involved with the Building in January 2011 for the evaluation of the well water system in the building that is used as the cooling source for the condenser water system.

We provided our report in March 2011 with the recommendation of replacing the well water system with a Cooling Tower.

- 1) The recommendation was based on the fact that the well water system was starting to fail in 2010 despite of a reduced water volume pump that was installed in 2008 together with a new well.
- 2) We found that the well water system was failing in ever shorter intervals from the original installation in 1969 to present and the system is failing currently again, unable to provide the amount of cooling water the building requires.
- 3) The installation of new wells for cooling purposes is discouraged by the EPA for obvious reasons.

.....

**The Building's Association accepted our recommendation and engaged our services for the design of the cooling tower installation in April 2011.**

**We proceeded with possible design options, starting with the obvious and least altering design option of installing the cooling tower on the roof of the building.**

**A review of the existing structural features indicated that this design option could only be realized with extensive changes to the existing roof structure or may not be possible at all. (Please refer to the attached letter from the Structural Engineer).**

**In addition the routing of two estimated 8" condenser water pipes from the roof down to the existing mechanical room either inside the building or outside demonstrated to be an insurmountable challenge.**

**With that primary option out of design consideration, we proceeded with design studies installing the cooling tower on ground level.**

**The established main design parameters are:**

- a) No construction permitted east of the Coastal Construction Line.**
- b) Noise level limitation to adjacent properties as per Town of Lauderdale-By-The-Sea Noise Ordinance.**
- c) Zoning regulations/least possible visual changes in property appearance.**
- d) Capacity requirements as per our heat load evaluation for the building.**

**We utilized various models from three different manufacturers in order to find the best possible solution with application of the above indicated design parameters.**

**Option-A was to install a cooling tower at the north east service area and was found not to be possible because of unacceptable sound levels to the adjacent property.**

**Option-B was to install a cooling tower at the East side of the northern covered parking area and was found not to be acceptable because of noise levels to the building, as well as visual appearance from the building.**

**Option-C** was to install a cooling tower at the North-East corner of the property was briefly investigated and concluded because any installation of the cooling tower along the North property line would have to be rejected because of noise levels at the adjacent property. This also precluded any installation of the cooling tower along the South property line.

**Option-D** was to install the cooling tower at the West side of the northern covered parking area.

This option demonstrated to be the best possible solution by satisfying the above indicated design parameters.

The selected Model & Manufacturer produces the lowest sound levels with the smallest foot print and the lowest equipment height.

The distance of the cooling tower from adjacent property lines will hold the noise levels at the adjacent properties to acceptable levels as per the local noise ordinance.

The height of the selected cooling tower will permit the smallest enclosure wall size and lowest height, and the location inside the property will reduce the visual impact from adjacent properties to the minimum possible.

This best possible option for the location of the cooling tower is depicted in our attached "Proposed Site Plan".

The Building's Association is required to provide adequate means of Air Conditioning for the building occupants.

Given the circumstances we believe that the proposed site plan offers the best possible solution.

We respectfully submit our proposed site plan with all the required changes in green, paved and concrete covered areas and the installation of the cooling tower with the sight wall enclosure on the property for your approval.

Sincerely,  
  
Ward C. Connors, P.E.  
FL. Reg. #: 45839

4-27-12



Swaysland Professional Engineering Consultants, Inc.  
2890 Marina Mile Boulevard, Suite 114  
Fort Lauderdale, Florida 33312  
(954) 473-0043 • Fax (954) 473-0063  
Toll Free 888-264-7732

April 25, 2012

Board of Directors  
Leisure Tower Condominium Association, Inc.  
1500 South Ocean Boulevard  
Lauderdale by the Sea, Florida 33062

Re: Cooling Tower

Dear Board Members:

At your request, our firm investigated the feasibility of installing a chilled water condensing unit on the roof of your existing building. The unit would supply cooling for all of the units.

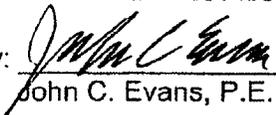
Based upon a visual examination of the roof top, we have concluded it would not be feasible to mount the unit on the roof. There is little in the way of structure to connect a frame to and given the new wind loads we doubt the structure could safely support the new unit.

It is our recommendation to install the tower on a frame at ground level.

If you have any questions or need additional information, please do not hesitate to contact us.

Very truly yours,

SWAYSLAND PROFESSIONAL ENGINEERING CONSULTANTS, INC.

By:   
John C. Evans, P.E.



1500 S Ocean Blvd, Lauderdale-by-the-Sea, FL 33062

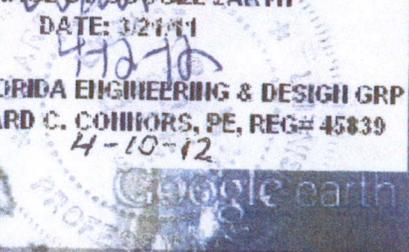
LEISURE TOWER & ADJ. PROP.

IMAGE BY GOOGLE EARTH  
DATE: 3/21/11

FLORIDA ENGINEERING & DESIGN GRP  
WARD C. CONNORS, PE, REG# 45839

4-10-12

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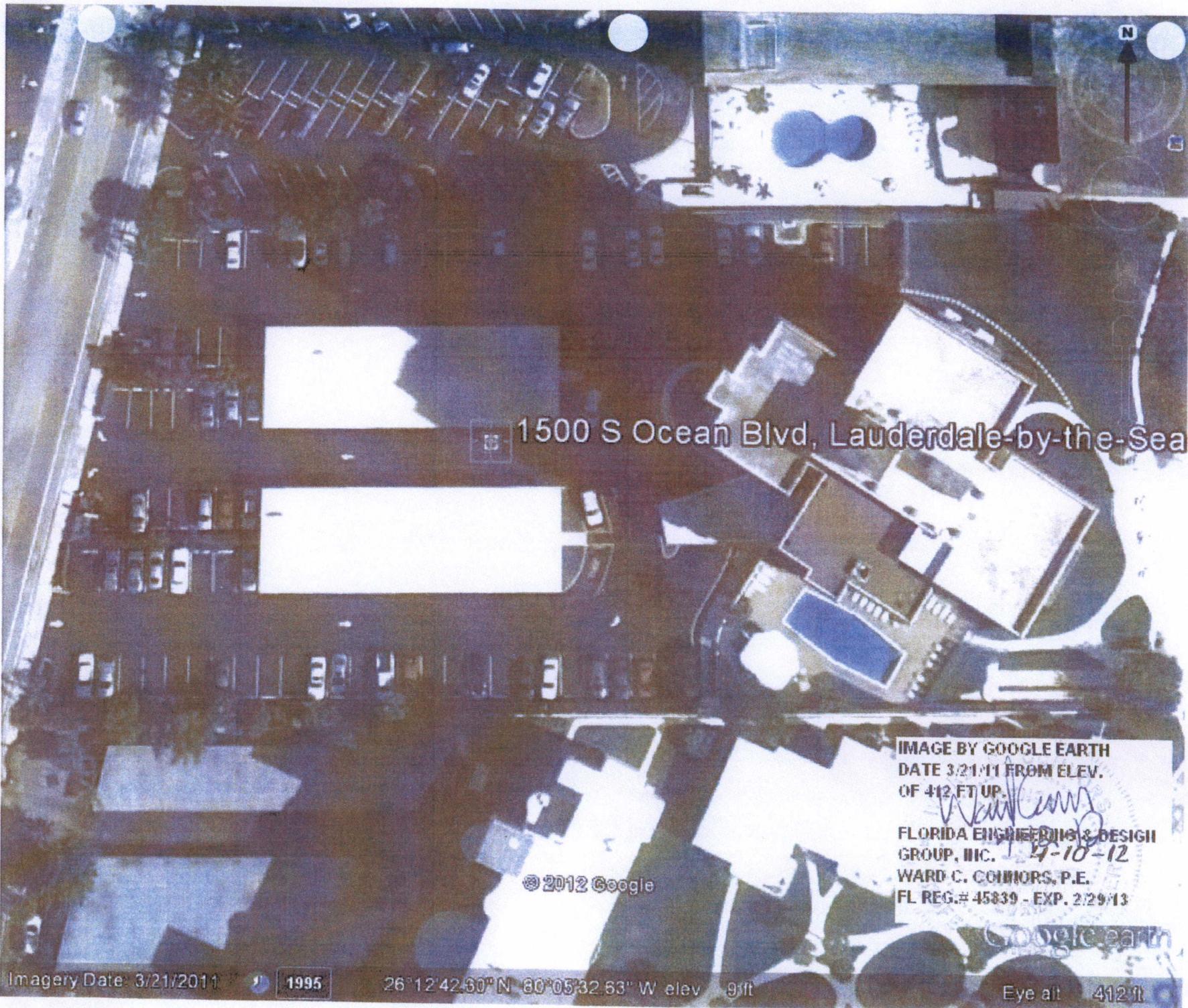
Google earth

Imagery Date: 3/21/2011 1995

26°12'42.52" N 80°05'33.07" W elev 8 ft

Eye alt 880 ft

16



1500 S Ocean Blvd, Lauderdale-by-the-Sea

IMAGE BY GOOGLE EARTH  
DATE 3/21/11 FROM ELEV.  
OF 412 FT UP.  
*Ward C. Connors*  
FLORIDA ENGINEERING & DESIGN  
GROUP, III.C. 17-10-12  
WARD C. CONNORS, P.E.  
FL REG.# 45839 - EXP. 2/29/13

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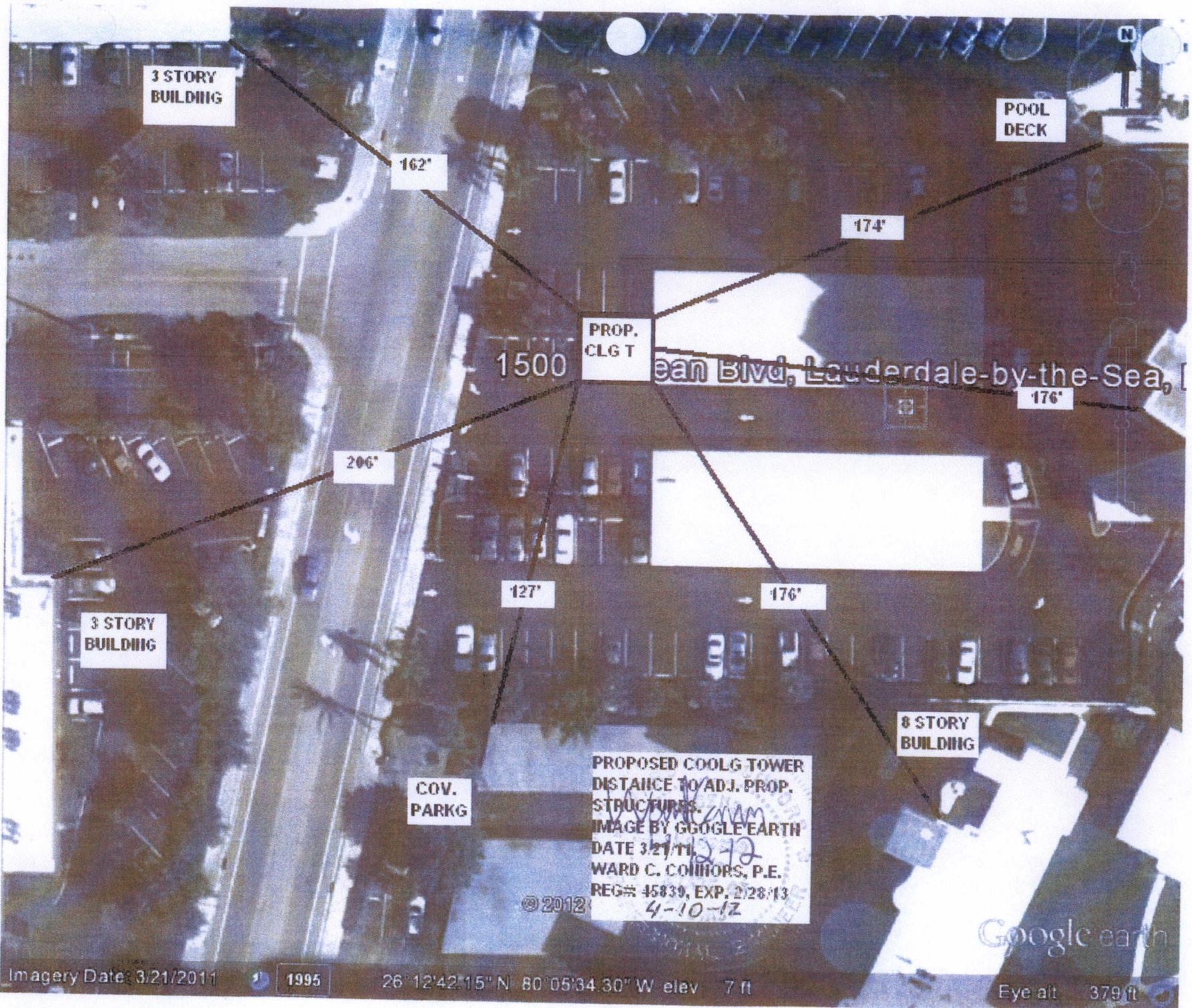
Imagery Date: 3/21/2011

1995

26°12'42.80"N 80°05'32.63" W elev 9ft

Eye alt 412 ft

17



3 STORY BUILDING

POOL DECK

162'

174'

1500 PROP. CLG T

ean Blvd, Lauderdale-by-the-Sea, FL

176'

206'

3 STORY BUILDING

127'

176'

8 STORY BUILDING

COV. PARKG

PROPOSED COOLG TOWER  
DISTANCE TO ADJ. PROP.  
STRUCTURES.  
IMAGE BY GOOGLE EARTH  
DATE 3/21/11  
WARD C. CONNORS, P.E.  
REG# 45839, EXP. 2/28/13  
4-10-12

© 2012

Google earth

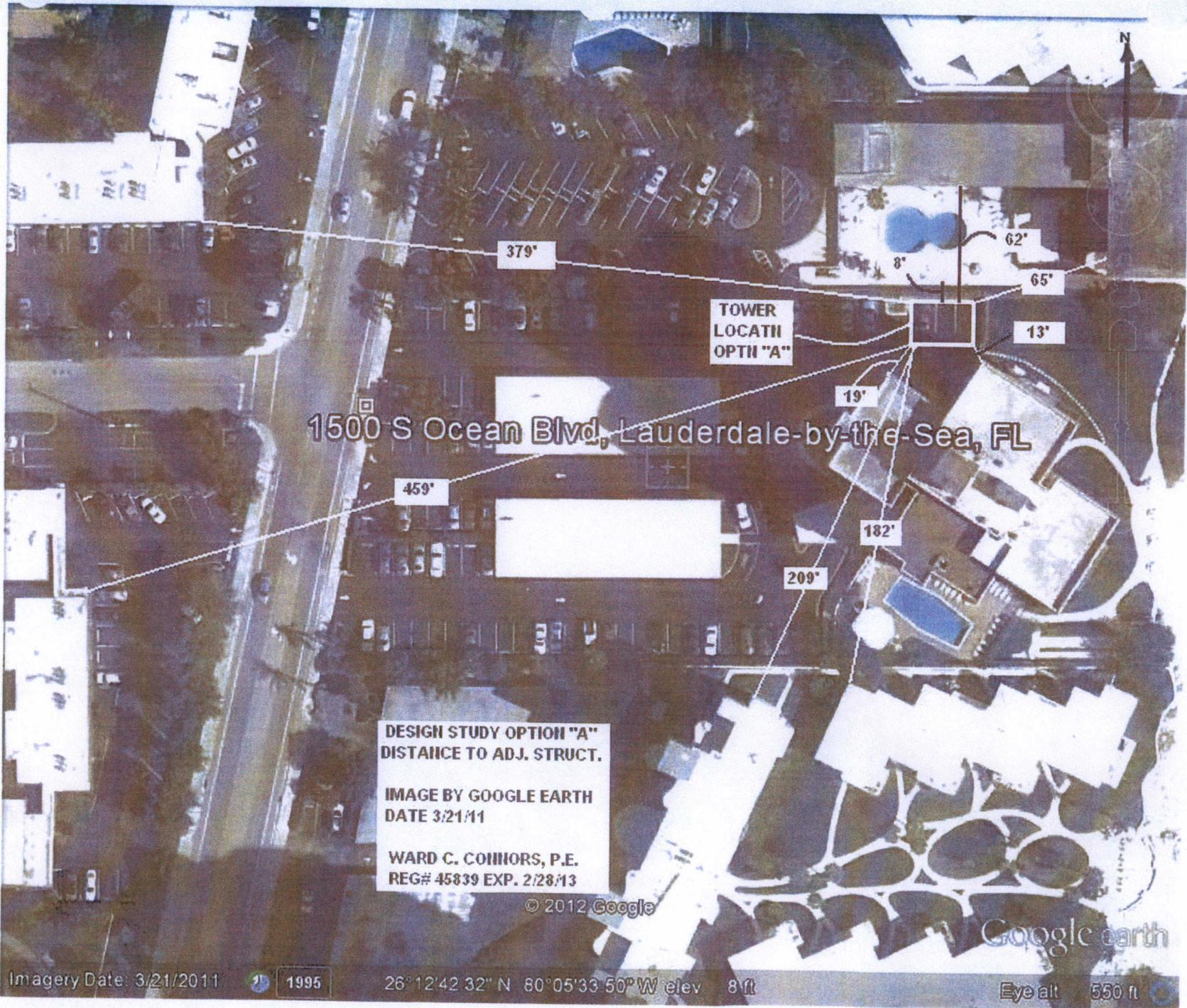
18

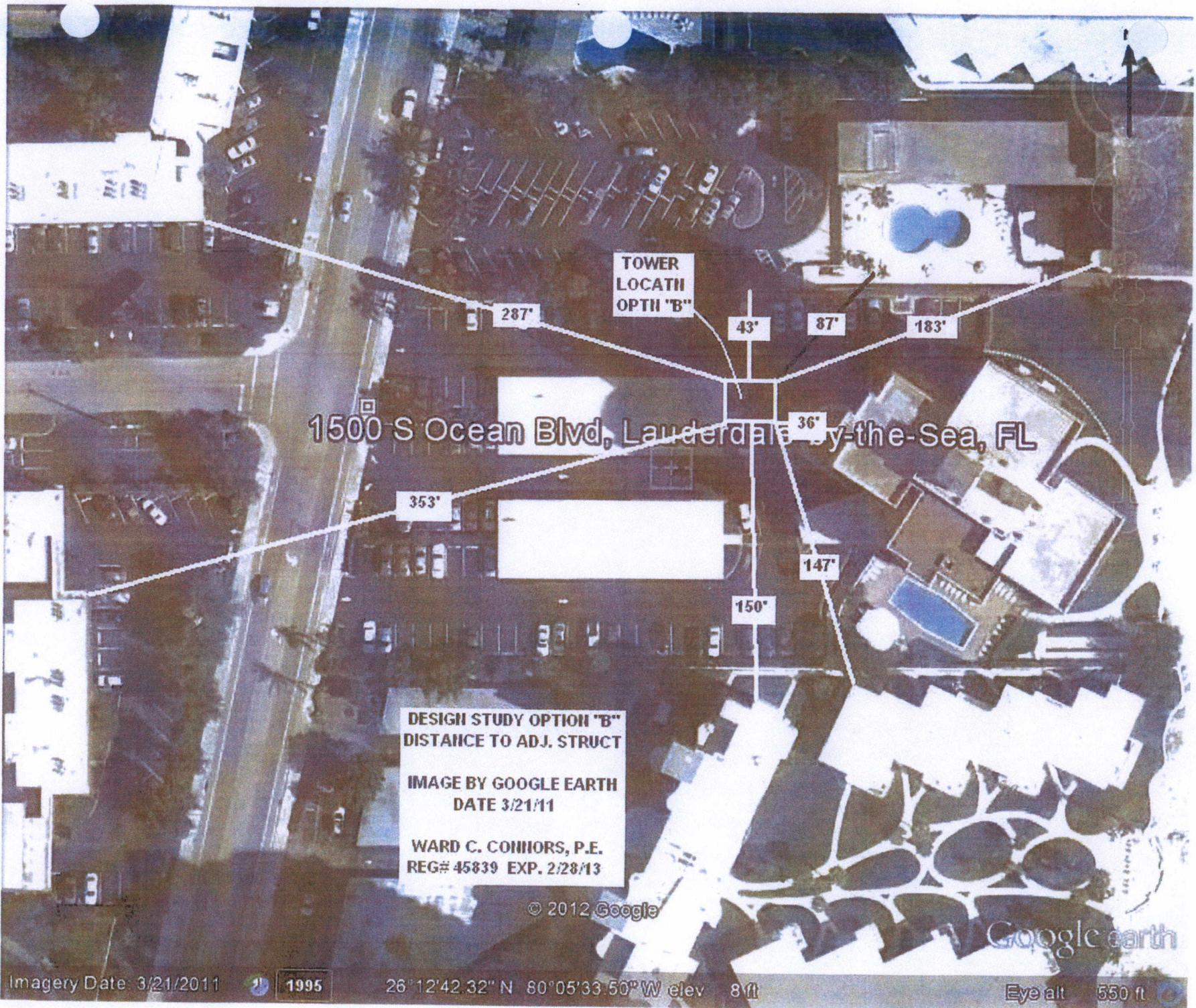
Imagery Date: 3/21/2011

1995

26° 12' 42" 15" N 80° 05' 34" 30" W elev 7 ft

Eye alt 379 ft





1501 South Ocean Boulevard



Exit Street Vi



1500 S Ocean Blvd, Lauderdale-by-the-Sea, FL 33062

WEST ELEVATION VIEW OF  
 LEISURE TOWERS  
*Ward Connor*  
 IMAGE BY GOOGLE EARTH, 3/21/11  
*4-10-12*  
 FLORIDA ENGINEERING & DESIGN GRP.  
*4-10-12*  
 WARD C. CONNORS, P.E., REG# 45839

© 2012 Google

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26° 12' 43.16" N, 80° 05' 31.83" W elev 33 ft

Eye alt 14 ft

Report a problem

1495 South Ocean Boulevard



Exit Street View



ELEVATION VIEW OF PROPERTY  
 TOWER OF LEISURE TOWERS  
*Ward Connors*  
 IMAGE BY GOOGLE EARTH, 3/21/11  
*4-12-12*  
 FLORIDA ENGINEERING & DESIGN GRP.  
*4-10-12*  
 WARD C. CONNORS, P.E., REG# 45839

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Report a problem

26° 12' 44.09" N 80° 05' 33.60" W elev 8 ft

Eye alt 14 ft

1501 South Ocean Boulevard



Exit Street Vie



ELEVATION VIEW OF PROPERTY  
SE OF LEISURE TOWERS

IMAGE BY GOOGLE EARTH, 3/21/11

WARD C. CONIORS & DESIGN GRP.

WARD C. CONIORS, P.E., REG# 45839

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Report a problem

26°12'41.65" N 80°05'34.95" W elev 7 ft

Eye alt 14 ft

1491 South Ocean Boulevard



Exit Street Vie.



ELEVATION VIEW OF PROPERTY  
 INW OF LEISURE TOWERS.  
*Newcom*  
 IMAGE BY GOOGLE EARTH, 3/21/11  
*4-10-12*  
 FLORIDA ENGINEERING & DESIGN GRP  
*4-10-12*  
 WARD C. COHORS, P.E., REG# 45839

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Report a problem

26° 12' 44.43" N 80° 05' 36.09" W elev 8 ft

Eye alt 14 ft

42

1491 South Ocean Boulevard



Exit Street Vie.



ELEVATION VIEW OF PROPERTY  
SW OF LEISURE TOWERS.

*Ward Connor*  
IMAGE BY GOOGLE EARTH 3/21/11

*4-12-12*  
FLORIDA ENGINEERING & DESIGN GRP

*4-10-12*  
WARD C. CONNORS, P.E., REG# 45839

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Report a problem

26° 12' 42.02" N 80° 05' 37.53" W elev 3 ft

Eye alt 14 ft



**FLORIDA ENGINEERING & DESIGN GROUP, INC.**  
**- CONSULTING ENGINEERS -**  
 5253 N.W. 33<sup>rd</sup> Avenue, Fort Lauderdale, Florida 33309  
 Phone: (954) 730-3400 - Fax: (954) 730-3414

April 27, 2012

**Town of Lauderdale-By-The-Sea**  
**4501 Ocean Boulevard**  
**Lauderdale-By-The-Sea, Florida 33308**  
**-Planning & Zoning-**  
**Attn.: Ms. Linda Connors –Town Planner**

**Re: Leisure Towers – Condenser Water System Renovation Project-Area  
 Count Modification.**

**Location: 1500 South Ocean Boulevard**  
**Lauderdale-By-The-Sea, FL 33062**

Dear Ms. Connors,

We evaluated the current property areas based on the latest property survey prepared by “Keith & Associates, Inc., dated 4/19/12 and changes as proposed by our “Proposed Site Plan, Drawing Sheet SP-01” with the following results:

- 1) As per the latest property survey the total areas by classification are as follows. (Please refer also to the attached detailed area count):
  - a. Total property area delimited by property lines:
 

Total	95,234	Sqft
-------	--------	------
  - b. Building foot print
 

Total	11,529	Sqft
-------	--------	------
  - c. Beach area
 

Total	10,172	Sqft
-------	--------	------

.....

<b>d. Swimming Pool</b>	<b>Total</b>	<b>865</b>	<b>Sqft</b>
<b>e. Total green area</b>	<b>Total</b>	<b>17,188</b>	<b>Sqft</b>
<b>f. Paved area</b>	<b>Total</b>	<b>39,732</b>	<b>Sqft</b>
<b>g. Concrete covered area</b>	<b>Total</b>	<b>15,748</b>	<b>Sqft</b>

2) Combining the building foot print area, paved and concrete covered areas and including the swimming pool, the impervious area on the property currently amounts to 67,874 Sqft or 71.3% of the total property area.

3) Combining the green and beach area, the pervious ground area on the property currently amounts to 27,360 Sqft or 28.7% of the total property area.

4) The installation of the proposed cooling tower as per the attached “Proposed Site Plan” will affect the existing area count as follows:

- a. Reduction of the green area by 146 Sqft.
  - i. At the location of the cooling tower by 131 Sqft
  - ii. At the service court area, eliminating two planters by 15 Sqft.

b. Reduction of the paved area by 467 Sqft due to the elimination of 3 parking spaces.

c. Increasing the concrete covered area by the same amount the paved area is reduced of 472 Sqft plus the reduced green area at the cooling tower location of 131 Sqft, the total concrete covered area increases by 598 Sqft.

5) The total areas by classification based on the “Proposed Site Plan” are as follows. (Please refer also to the attached detailed area count):

- a. Total property area delimited by property lines:
 

<b>Total</b>	<b>95,234</b>	<b>Sqft</b>
--------------	---------------	-------------
- b. Building foot print
 

<b>Total</b>	<b>11,529</b>	<b>Sqft</b>
--------------	---------------	-------------
- c. Beach area
 

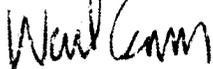
<b>Total</b>	<b>10,172</b>	<b>Sqft</b>
--------------	---------------	-------------

<b>d. Swimming Pool</b>	<b>Total</b>	<b>865</b>	<b>Sqft</b>
<b>e. Total green area</b>	<b>Total</b>	<b>17,042</b>	<b>Sqft</b>
<b>f. Paved area</b>	<b>Total</b>	<b>39,265</b>	<b>Sqft</b>
<b>g. Concrete covered area</b>	<b>Total</b>	<b>16,361</b>	<b>Sqft</b>

- 6) Combining the building foot print area, paved and concrete covered areas and including the swimming pool, the impervious area on the property as proposed amounts to 68,020 Sqft or 71.4% of the total property area.
- 7) The impervious area on the property as proposed increases by 146 Sqft or 0,1%
- 8) Combining the green and beach area, the pervious ground area on the property currently amounts to 27,214 Sqft or 28.6% of the total property area.
- 9) The pervious area on the property as proposed decreases by 146 Sqft or 0,1%

We respectfully submit our proposed site plan with the changes in green areas on the property for your approval.

Sincerely,



Ward C. Connors, P.E.

FL. Reg. #: 45839

4-27-12

LEISURE TOWER  
1500 SOUTH OCEAN BLVD  
LAUDERDALE BY THE SEA, FLORIDA 33062

PROPERTY AREA COUNT	CURRENT (SQFT)	PROP. (SQFT)
<b>TOTAL PROPERTY AREA DELIMITED BY PROPERTY LINE</b>	<b>95234</b>	<b>95234</b>
<b>I) GREEN AREAS</b>		
<b>1) BY PARKING AREAS</b>		
ROW A: SOUTH SIDE TO CONCRETE WALK WAY AND WEST FRONT ENTRANCE	1510	1510
ROW B: WEST SIDE ENTRY & PLANTER AREA	742	742
ROW C: WEST SIDE ENTRY FP&L AREA AND PLANTER NORTH SIDE TO FENCE BY SERVICE AREA AND WEST SIDE ENTRY	679	548
ROW D: WEST SIDE ENTRY EAST OF COVERED PARKING	1623	1623
	540	540
<b>2) FRONT OF BUILDING AREAS</b>		
A) AT MARQUEE	66	66
B) FRONT OF BUILDING PLANTER	59	59
C) FRONT OF BUILDING BY SERVICE COURT NORTH	73	73
D) FRONT OF BUILDING BY SERVICE COURT SOUTH	302	302
E) PLANTERS IN SERVICE AREA	15	0
F) BY LIFT STATION	39	39
<b>3) BACK OF BUILDING</b>		
A) BY POOL AREA & SHUFFLE BOARDS	1988	1988
B) BY BEACH ACCESS GATE & CONCRETE WALK	352	352
C) BACK OF BUILDING TO CONCRETE WALK	2228	2228
D) NORTH EAST SIDE OF BUILDING TO SEA WALL	6875	6875
E) BY POOL EQUIPMENT ROOM	97	97
<b>TOTAL GREEN AREA</b>	<b>17188</b>	<b>17042</b>
<b>II) CONCRETE COVERED</b>		
<b>1) FRONT OF BUILDING</b>		
A) WALKWAYS FRONT OF BUILDING	1269	1269
B) WALKWAY IN SERVICE AREA (NORTH SIDE)	351	366
C) WALKWAY AT SERVICE COURT	56	56
D) WALKWAY AT GUEST PARKG ROW B & C	110	110
E) SANIT. LIFT STATION	65	65
F) CURBS & MISCELL. CONCRETE	927	927
<b>2) BACK OF BUILDING</b>		
A) POOLDECK, SHUFFLE BOARD & CONCRETE WALK WAY & REAR ENTRANCE	2577	2577
B) WALKWAY BY POOL EQUIPMENT ROOM	141	141
C) POOL EQUIPMENT BUILDING	163	163
D) CONCRETE AROUND POOL DECK	413	413
E) COVERED PARKING	9676	9676
F) NEW COOLING TOWER ENCLOSURE	598	598
<b>TOTAL CONCRETE COVERED AREA</b>	<b>15748</b>	<b>16361</b>
<b>III) PAVED AREA</b>		
A) ASPHALT PAVED AREA INCL. OPEN PARKING	37598	37131
B) POOL DECK PAVERS	2026	2026
C) PAVERS BY POOL EQUIPMENT ROOM	108	108
<b>TOTAL PAVED AREA</b>	<b>39732</b>	<b>39265</b>
IV) SWIMMING POOL	865	865
V) BUILDING FOOT PRINT	11529	11529
VI) BEACH AREA DELIMITED BY PROP. LINE & SEA WALL	10172	10172
Control	95234	95234
<p>NOTES: DUE TO THE NEW COOLING TOWER INSTALLATION, THE GREEN AREA AT THE ROW-C ENTRANCE HAS BEEN REDUCED BY 131 SQFT.</p> <hr/> <p>DUE TO THE INSTALLATION &amp; RELOCATION OF THE ABOVE GROUND FUEL TANK, THE PLANTERS AT THE SERVICE AREA ARE REMOVED REDUCING THE GREEN AREA BY 15 SQFT</p> <p>TOTAL REDUCTION OF GREEN AREA UNDER THIS PROJECT IS 146 SQFT</p> <hr/> <p>THE CONCRETE COVERED AREA HAS BEEN INCREASED BY 598 SQFT</p> <p>THE PAVED AREA HAS BEEN DECREASED BY 467 SQFT</p>		



**FLORIDA ENGINEERING & DESIGN GROUP, INC.**  
**- CONSULTING ENGINEERS -**  
 5253 N.W. 33<sup>rd</sup> Avenue, Fort Lauderdale, Florida 3309  
 Phone: (954) 730-3400 - Fax: (954) 730-3414

April 27, 2012

**Town of Lauderdale-By-The-Sea**  
**4501 Ocean Boulevard**  
**Lauderdale-By-The-Sea, Florida 33308**  
**-Planning & Zoning-**  
**Attn.: Ms. Linda Connors –Town Planner**

**Re: Leisure Towers – Condenser Water System Renovation Project-  
 Parking Space modification.**

**Location: 1500 South Ocean Boulevard**  
**Lauderdale-By-The-Sea, FL 33062**

Dear Ms. Connors,

We evaluated the available parking spaces at the above property with the following results:

- 1) As per original design the property had a total of 134 parking spaces with 13 spaces assigned for guest parking.
- 2) During the 2003-2005 beautification program of the city, a FP&L easement & service cabinet was installed on the property and the total parking space count remained at 134 spaces that is also the currently available 134 spaces.
  - a. Referring to the attached parking space count the changes implemented at that time involved:
    - i. Adding 1 space in row “A”.
    - ii. Reducing by 3 spaces in row “B” and adding 2 guest parking spaces at the East side of the row.

.....

- iii. **Reducing by 3 spaces in row “C” and adding 2 guest parking spaces at the East side of the row.**
  - iv. **Adding 1 space in row “D” and adding a paved area with 3 service parking spaces at the NW corner of the building.**
    - 1. **The additional space in row “D” apparently was never counted in official documents before.**
    - 2. **The service parking spaces in the paved area at the NW corner of the building are not to be counted as regular parking spaces.**
- 3) **The Building has a total of 118 Apartments, including 2 Penthouse Apartments.**
- 4) **The parking spaces are currently assigned as follows:**
- a. **Penthouse Apartment each 2 spaces                      Total    4 spaces**
  - b. **All other Apartments each 1 space                      Total 116 spaces**
  - c. **Building Association 1 space                              Total    1 space**
  - d. **Required Owner parking spaces                      Total 121 spaces**
  - e. **Available parking    Total 134 spaces**
  - f. **Available Guest parking                                      Total 13 spaces**
  - g. **Also available are 3 spaces in the paved service area.**
- 5) **Referring to our proposed site plan for the current project the total count of parking spaces is proposed with 131 spaces.**
- a. **For the installation of the Cooling Tower we propose reducing the total parking by 3 parking spaces from the current 134 spaces to 131.**

- i. The installation of the Cooling Tower will occupy 3 spaces in parking row “C”. (Please refer also to our attached “Proposed Site Plan, Drawing Sheet SP-01”.
- 6) Under our proposed site plan the assignment of parking spaces would remain the same as indicated above with the exception that the guest parking spaces would be reduced by 3 spaces to a total of 10 guest parking spaces and a total of 131 for the property.
- 7) The assignment of parking spaces under the proposed site plan would be:

- a. Penthouse Apartment each 2 spaces                      Total     4 spaces
- b. All other Apartments each 1 space                      Total 116 spaces
- c. Building Association 1 space                              Total     1 space
- d. Required Owner parking spaces                      Total 121 spaces
- e. Available parking    Total 131 spaces
- f. Available Guest parking                                      Total 10 spaces
- g. Also available are 3 spaces in the paved service area.

We respectfully submit our proposed site plan with the changes in parking space count for your approval.

Sincerely,  


Ward C. Connors, P.E.  
FL. Reg. #: 45839

4/27/12

LEISURE TOWER  
1500 SOUTH OCEAN BLVD  
LAUDERDALE BY THE SEA, FLORIDA 33062

**PARKING SPACE COUNT**

ROW A: SINGLE ROW PARKING AT SOUTH PROPERTY LINE  
 ROW B: DOUBLE ROW PARKING NORTH OF ROW A  
 ROW C: DOUBLE ROW PARKING SOUTH OF ROW D  
 ROW D: SINGLE ROW PARKING AT NORTH PROPERTY LINE

- (1) AS PER ORIGINAL DESIGN  
 (2) CURRENTLY EXISTING ( AS MODIFIED DURING 2003-2005 CITY BEAUTIFICATION PROJECT)  
 (3) PROPOSED WITH NEW COOLING TOWER ON GROUND LEVEL

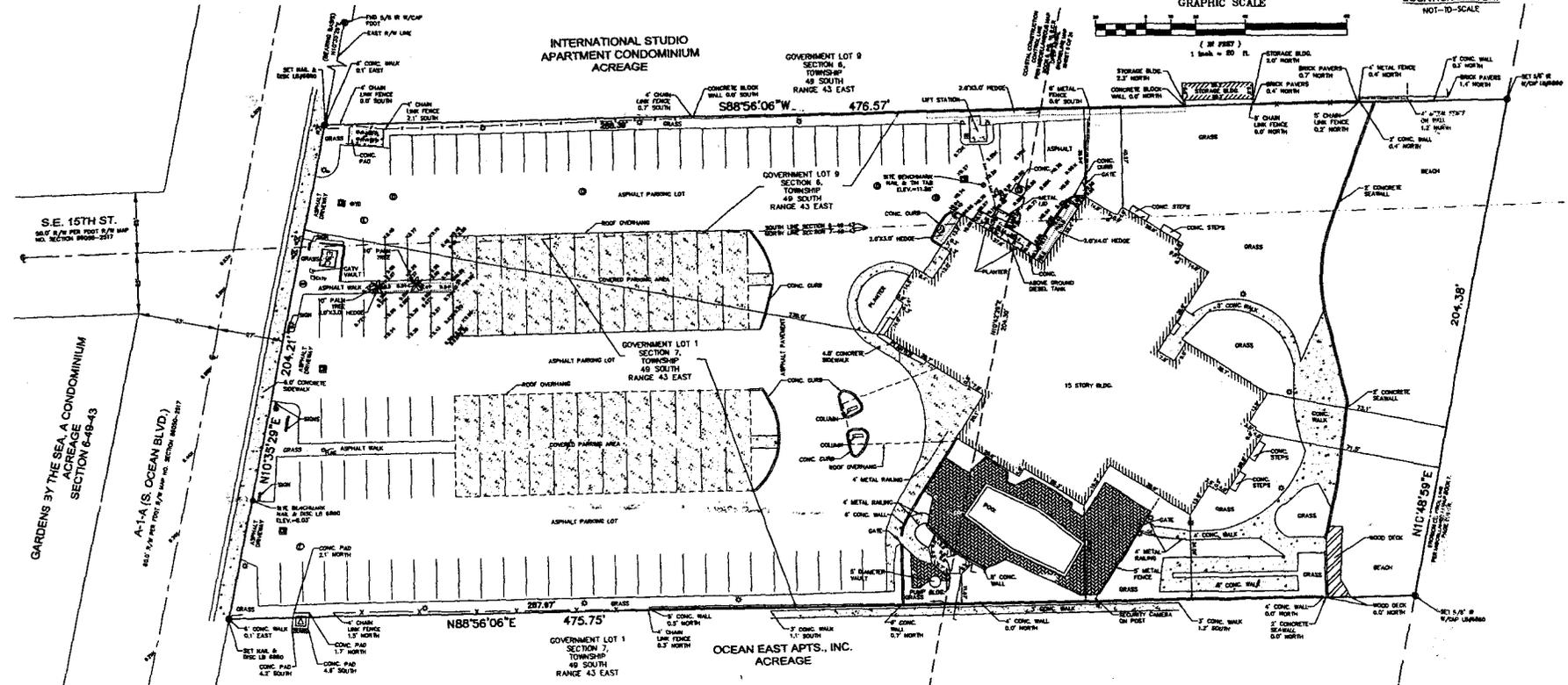
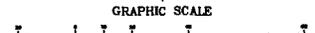
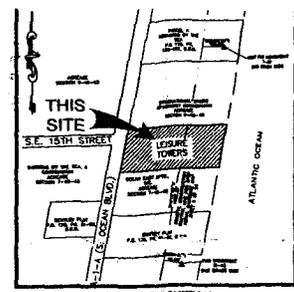
ROW	(1)	(2)	(3)	
A	27	28	28	
B (South)	9	8	8	
B (North)	9	7	7	
B (Covered)	24	24	24	
C (South)	8	7	4	
C (North)	7	5	5	
C (Covered)	24	24	24	
D	26	27	27	
		4	4	GUEST SPACES ADDED
Total Legal Parking	134	134	131	
		3	3	SERVICE PARKING ADDED
Grand Total	134	137	134	
Available Guest Parkg	13	13	10	

APARTMENT COUNT: TOTAL 118 UNITS INCLUDING 2 PENTHOUSE UNITS.  
 PARKING ASIGNMENTS:  
 PENTHOUSE UNITS 2 SPACES EACH 4 SPACES  
 ALL OTHER APARTMENTS 1 SPACE EACH TOTAL 116 SPACES  
 BUILDING ASSOCIATION 1 SPACE  
 REQUIRED OWNER PARKING 121 SPACES

**SURVEY NOTES:**

1. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY OTHERS.
2. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. UNDERGROUND IMPROVEMENTS NOT LOCATED OTHER THAN AS SHOWN HEREON. OTHER THAN AS SHOWN, THERE IS NO EVIDENCE THAT UNDERGROUND ENDOCHANGEMENTS EXIST. HOWEVER SURFACE INVESTIGATION WAS NOT PERFORMED TO DETERMINE IF UNDERGROUND ENDOCHANGEMENTS EXIST.
5. THIS SURVEY DOES NOT IDENTIFY THE LIMITS OR EXTENTS OF JURISDICTIONAL BOUNDARIES.
6. THE HORIZONTAL DATUM THAT THIS SURVEY IS BASED UPON IS RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH 1990 ADJUSTMENT (NAD 83/90) AND ARE RELATIVE TO (NGS) MONUMENTS: P-41, R-43 AND T-42.
7. UNLESS OTHERWISE NOTED, RECORD VALUES AND FIELD MEASURED VALUES ARE IN SUBSTANTIAL AGREEMENT.
8. IT IS A VIOLATION OF RULE 5A-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
9. THIS SURVEY IS CLASSIFIED AS COMMERCIAL AND RISK AND EXCEEDS THE MINIMUM RELATIVE DISTANCE ACCURACY OF 1 FOOT IN 10,000 FEET AS REQUIRED BY THE FLORIDA MINIMUM TECHNICAL STANDARDS (5A-17, FLORIDA ADMINISTRATIVE CODE). THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT.
10. THE HORIZONTAL FEATURES SHOWN HEREON ARE PLOTTED TO WITHIN 1/25th OF THE MAP SCALE WITH AN EXPECTED ACCURACY OF ± 0.1'. HORIZONTAL FEATURE LOCATION IS TO THE CENTER OF THE SYMBOL AND THE SYMBOL MAY BE ENLARGED FOR CLARITY.
11. THE COASTAL CONSTRUCTION CONTROL LINE IS BASED ON THE MAP RECORDED IN MISCELLANEOUS MAP BOOK 6, PAGE 10 AND THE EROSION CONTROL LINE IS BASED ON THE MAP RECORDED IN MISCELLANEOUS MAP BOOK 2, PAGE 6, BOTH RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

12. BEARINGS SHOWN HEREON ARE ASSUMED WITH A REFERENCE BEARING OF NORTH 10°35'29" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF A-1-A (SOUTH OCEAN BLVD.), ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP NO. SECTION 88050-2317.
13. ELEVATIONS SHOWN HEREON ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 1929), BEING DERIVED FROM BROWARD COUNTY ENGINEERING DEPARTMENT'S BENCHMARK 3011, CAP IN VICINITY OF "THE INTERNATIONAL", #1480 S. OCEAN BLVD., CAP 3.4' E. OF W. EDGE OF SIDEWALK CURB CAP 29.75' OF C/A OF A METAL STORM DRAIN IN PARKING LOT, CAP 53.5' N. OF A CONIC LIGHT POLE, CAP IS A STANDARD DEPARTMENT OF NATURAL RESOURCES' BRASS DISK SET IN A DRILL HOLE AND IS FLUSH W/SURFACE OF A CONCRETE SIDEWALK, STAMPED 86 92 DAT12, ELEVATION = 8.99'
14. THE INTENDED ACCURACY OF THE ELEVATIONS SHOWN HEREON IS 0.03' FOR THE HARD SURFACE SHOTS AND 0.1' FOR THE SOFT SURFACE SHOTS.
15. THE TOPOGRAPHIC PORTION OF THIS SURVEY WAS LIMITED TO THE CERTAIN AREAS SHOWN HEREON AS PER THE CLIENT'S REQUEST.



**LEGEND**

APTS.	APARTMENTS	CONC.	CONCRETE	CONC. DEPT.	CONCRETE DEPARTMENT OF TRANSPORTATION	ELEV.	ELEVATION	INC.	INCORPORATED	L.B.	LICENSED BUSINESS	NO.	NUMBER	P.C.	PLAY BOOK	R.W.	RIGHT-OF-WAY	WTH	WITH
B.C.R.	BROWARD COUNTY RECORDS	BLDG.	BUILDING	CATV	COASTAL CONSTRUCTION CONTROL LINE	CONC.	CONCRETE	CONC.	CONCRETE	CONC.	CONCRETE	CONC.	CONCRETE	CONC.	CONCRETE	CONC.	CONCRETE	CONC.	CONCRETE
FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA	FL.	FLORIDA

CONCRETE COLUMN	FLORIDA POWER AND LIGHT SERVICE CABINET	FLORIDA POWER AND LIGHT TRANSFORMER	FLORIDA POWER AND LIGHT MANHOLE	IRON ROD	NAIL AND DISC	MANHOLE (TYPE UNKNOWN)	TELEPHONE MANHOLE	CABLE RISER	STORM DRAIN MANHOLE	CATCH BASIN	WATER METER	BACK FLOW PREVENTER	WATER VALVE	SHAMOSE FIRE CONNECTION	YARD DRAIN	ELECTRIC OUTLET	METAL LIGHT POLE	SION	FLAG POLE	SANITARY CLEAN OUT	SITE BENCHMARK	HARD SURFACE ELEVATION
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**LEGAL DESCRIPTION:**

THE NORTH 200.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN GOVERNMENT LOT 9, SECTION 6, AND GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 49 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTH BY A LINE PARALLEL TO AND 2550.00 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES TO, THE EAST AND WEST QUARTER-SECTION LINE OF SAID SECTION 6;

ON THE SOUTH BY A LINE PARALLEL TO AND 400.00 FEET SOUTHERLY FROM MEASURED AT RIGHT ANGLES TO THE NORTH BOUNDARY OF THE PARCEL HEREBY DESCRIBED, AND ON THE WEST BY THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A AS NOW LAW ENFORCEMENT AND IN USE, AND ON THE EAST BY THE WATERS OF THE ATLANTIC OCEAN.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF LAUDERDALE BY THE SEA, BROWARD COUNTY, FLORIDA.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY AND TOPOGRAPHIC SURVEY OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS SURVEYED UNDER MY DIRECTION ON APRIL 8, 2012 MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5A-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

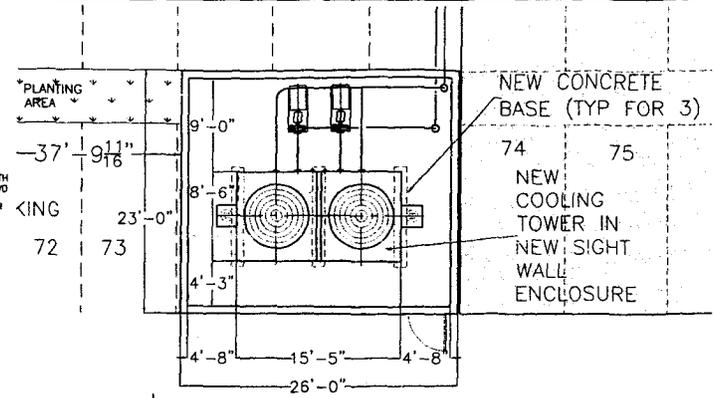
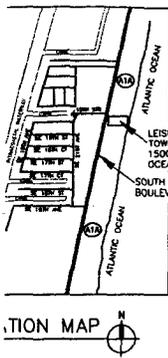
KEITH & ASSOCIATES, INC.  
CONSULTING ENGINEERS

*Michael M. Mossey*  
MICHAEL M. MOSSEY  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION NO. 5680  
STATE OF FLORIDA

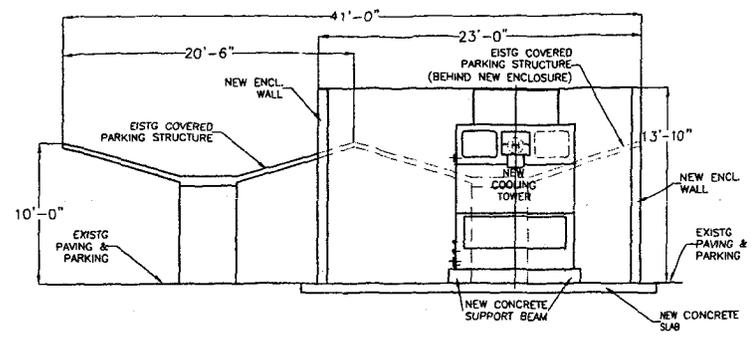
**KEITH**  
consulting engineers

BOUNDARY & TOPOGRAPHIC SURVEY  
LEISURE TOWERS

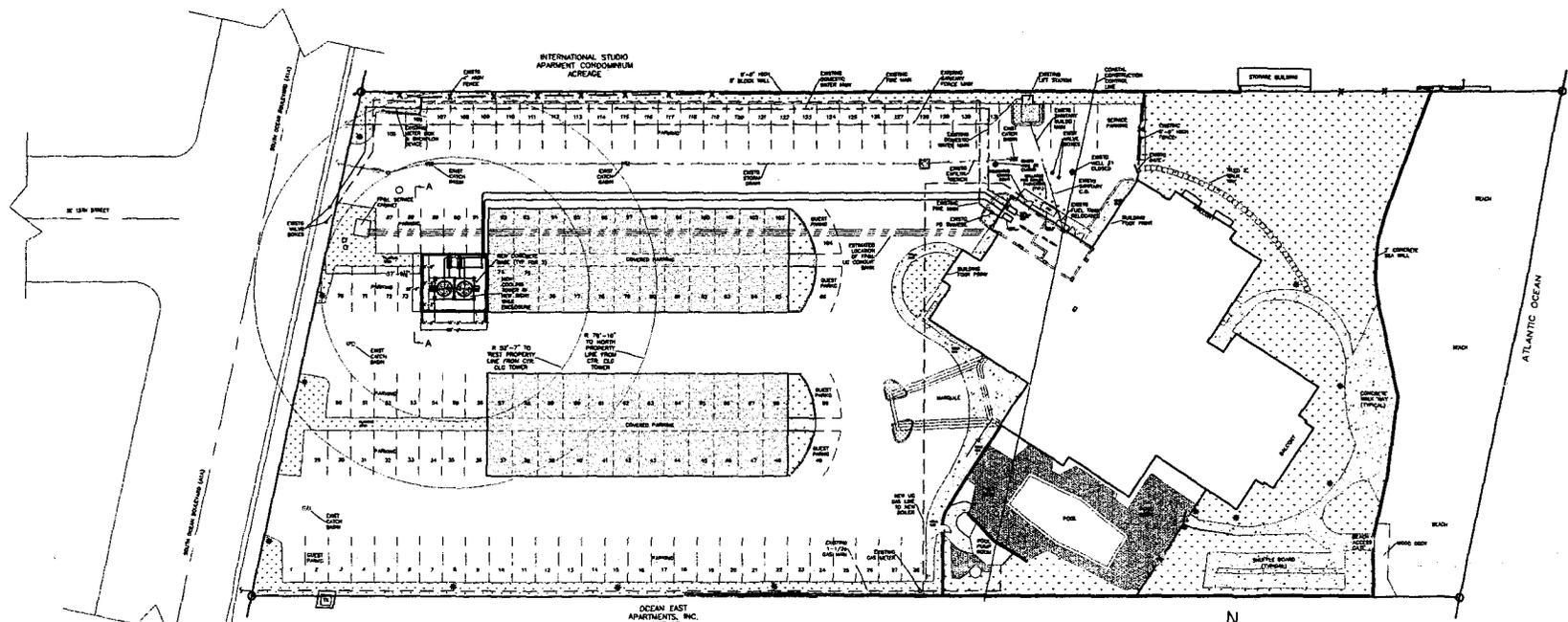
SHEET 1  
PROJECT  
0704  
REGISTRATION NO. 5680  
STATE OF FLORIDA



COOLING TOWER & ENCLOSURE ENLARGED PLAN  
SCALE: 3/16"=1'-0"



COVERED GARAGE & CLG TOWER SECTION A-A  
SCALE: 1/4"=1'-0"



PROPOSED SITE PLAN W/ NEW CLG TOWER EVAPCO MOD USS-215-49  
SCALE: 3/64"=1'-0"

ALL AS SHOWN AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL UNPUBLISHED WORK OF FLORIDA ENGINEERING & DESIGN GROUP, INC. AND THE NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF FLORIDA ENGINEERING & DESIGN GROUP, INC.

DATE	09/22
BY	04/25/11

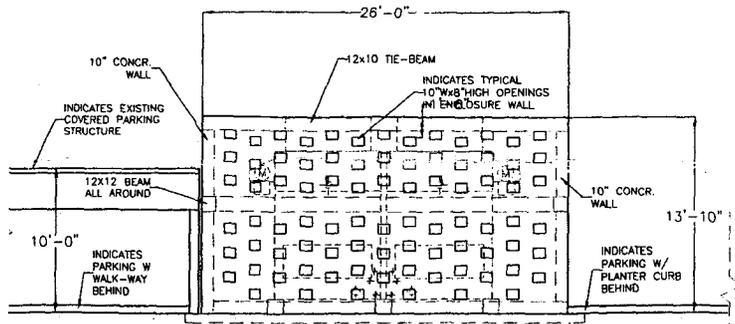
FLORIDA ENGINEERING & DESIGN GROUP, INC.  
STATE REG. NO. 15889  
DATE: 06/28/2013  
PROJECT: LEISURE TOWERS  
1500 SOUTH OCEAN BLVD  
LAUDERDALE BY THE SEA, FL 33062

FLORIDA ENGINEERING & DESIGN GROUP, INC.  
CONSULTING ENGINEERS  
1500 SOUTH OCEAN BLVD.  
LAUDERDALE BY THE SEA, FL 33062  
PHONE: (954) 730-3414 FAX: (954) 730-3414  
FLORIDA REG. # EB-4987

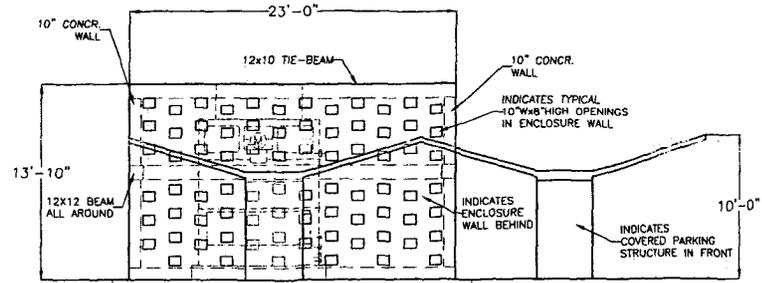
LEISURE TOWERS  
CONDENSER WATER SYSTEM RENOVATION  
1500 SOUTH OCEAN BLVD.  
LAUDERDALE BY THE SEA, FL 33062

DRAWN BY: EHC  
CHECKED BY: MIC  
DATE ISSUED: 4/15/12  
DWG. SCALE: 1/8"=1'-0"  
SHEET NO.: 01 OF 03  
SHEET

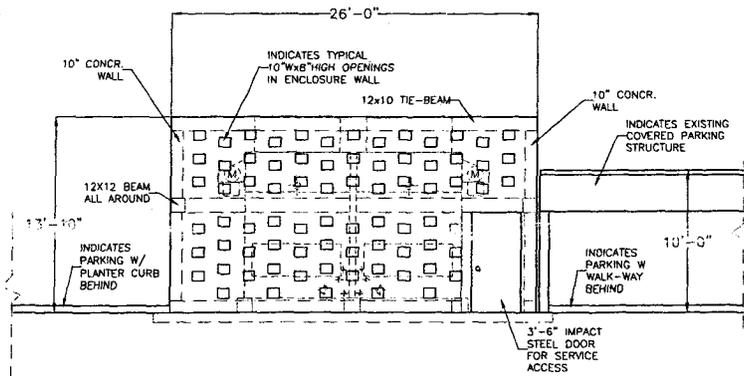
SP-01  
01 OF 03



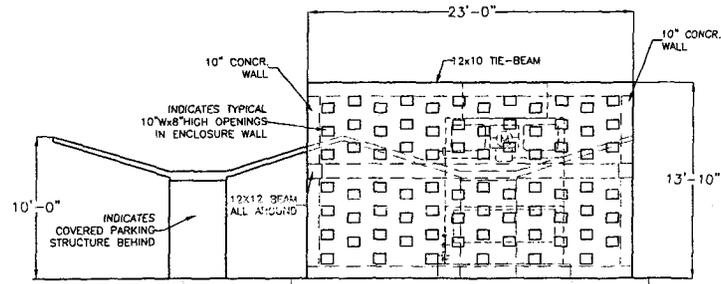
COOLING TOWER ENCLOSURE NORTH ELEVATION  
SCALE: 1/4"=1'-0"



COOLING TOWER ENCLOSURE EAST ELEVATION  
SCALE: 1/4"=1'-0"



COOLING TOWER ENCLOSURE SOUTH ELEVATION  
SCALE: 1/4"=1'-0"



COOLING TOWER ENCLOSURE WEST ELEVATION  
SCALE: 1/4"=1'-0"

AS SHOWN AND WRITTEN MATERIAL APPEARING HEREON CONSTITUTE THE ORIGINAL AND UNREPRODUCED WORK OF FLORIDA ENGINEERING & DESIGN GROUP, INC. AND THE SAME SHALL NOT BE DUPLICATED, COPIED, REPRODUCED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF FLORIDA ENGINEERING & DESIGN GROUP, INC.

DATE	09/22/11
BY	WJL
CHECKED BY	WJL
DATE ISSUED	11/02/11
SCALE	1/8"=1'-0"
NO.	2011-11
SHEET	

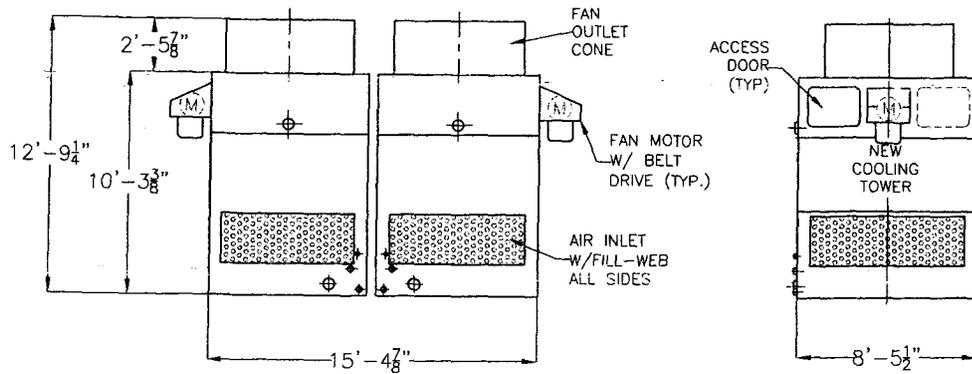
WARD COMMUNITY, P.E. SEAL  
STATE REG. NO. 49893  
FLORIDA ENGINEERING & DESIGN GROUP, INC.  
5635 NW 32 AVENUE  
FORT LAUDERDALE, FL 33309  
PHONE: 954-738-3400 FAX: 954-738-3414  
FLORIDA REG. NO. CE-6927

FLORIDA ENGINEERING & DESIGN GROUP, INC.  
- CONSULTING ENGINEERS -  
5635 NW 32 AVENUE  
FORT LAUDERDALE, FL 33309  
PHONE: 954-738-3400 FAX: 954-738-3414  
FLORIDA REG. NO. CE-6927

LEISURE TOWERS  
CONDENSER WATER SYSTEM RENOVATION  
1500 SOUTH OCEAN BLVD.  
LAUDERDALE BY THE SEA, FL 33062

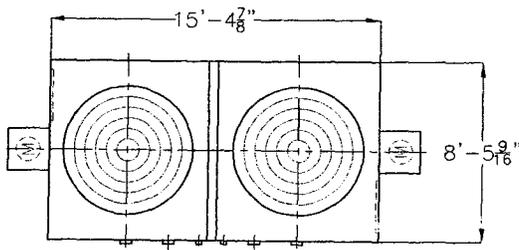
DRAWN BY	WJL
CHECKED BY	WJL
DATE ISSUED	11/02/11
SCALE	1/8"=1'-0"
NO.	2011-11
SHEET	

SP-02  
02 OF 03



FRONT VIEW

SIDE VIEW



TOP VIEW

**PROPOSED NEW COOLING TOWER  
EVAPCO MODEL USS-215-49**

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

ALL WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF FLORIDA ENGINEERING & DESIGN GROUP, INC. AND THE SAME IS HEREBY PROTECTED BY PATENT AND COPYRIGHT LAWS. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF FLORIDA ENGINEERING & DESIGN GROUP, INC.

COOLING TOWER SCHEDULE		EVAPCO
UNIT DESIGNATION	CT-1	
MODEL NUMBER	USS-215-49-IBC	
MANUFACTURER	EVAPCO	
LOCATION	GROUND, PARKG LOT	
TOWER TYPE	INDUCED DRAFT COUNTERFLOW	
TOTAL NO. OF CELLS	2	
HIGHEST SECTION	2500 LB	
OPERATING WEIGHT TOTAL	12180 LB	
SHIPPING WEIGHT TOTAL	7340LB	
MIN. RATED CAPACITY	267 TON	
TREATED WATER FLOW	80C	
ENTERING WATER TEMP.	96	
LEAVING WATER TEMP.	86	
AMBIENT TEMP. WB/OB	80/91	
STATIC LIFT	2.2 PSI	
CTI CERTIF. PERF.	YES	
FANS PER CELL	1	
FAN TYPE	SUPER LOW SOUND	
FAN MOTOR HP	10	
VOLTS-PHASE-HZ	480-3-60	
FAN SPEED	VFD DRIVE	
AIR FLOW TOTAL	78,300 CFM	
CONSTRUCTION	ALL STAINL. STEEL	
FASTENERS	ALL STAINL. STEEL	
FASTENERS	ALL STAINL. STEEL	
FASTENERS	ALL STAINL. STEEL	
EVAPAK FILL	YES	
VIBRATION SWITCH	YES	
ACCESS DOOR PLATFORM	NO	
ACCESS LADDER	YES, ALUMINUM	
HIGH EFFICIENCY VFD DUTY MOTOR	YES	
EXTEND. LUBE LINES W/ DIP STICK	YES	
SUPER LOW SOUND FAN	YES	
WATER SILENCERS	YES	
ELECTRONIC WATER LEVEL CONTROL	YES	
FLANGED CONNECTIONS 6"Ø	YES	
IBC COMPLIANT 5.12g, 145 PSF	YES	
PROVIDE WIND LOAD CALCULATIONS / MODIFICATIONS PER FBC WITH DOCUMENTS SEALED & SIGNED BY A FLORIDA REGISTERED ENGINEER		

**Evapco, Inc.**  
Sound Data

Sound Pressure Levels (SPL) in dB RE 20µPa  
Sound Power Levels (SWL) in dB RE 10<sup>-12</sup> Watts

Model: USS-215-49  
Motor: 50 HP (7.5kW)  
# Motors: 2  
Speed: Full Speed

Sound Reduction Options:  
Sound / Fan / Sound Fan  
Water / Silence

MULTI-CELL DATA

BAND	SOUND PRESSURE LEVEL				SOUND POWER LEVEL
	100	125	160	200	
50 Hz	54	60	64	69	33
125 Hz	51	57	61	66	30
200 Hz	48	54	58	63	27
250 Hz	46	52	56	61	25
315 Hz	44	50	54	59	23
400 Hz	42	48	52	57	21
500 Hz	40	46	50	55	19
630 Hz	38	44	48	53	17
800 Hz	36	42	46	51	15
1000 Hz	34	40	44	49	13
1250 Hz	32	38	42	47	11
1600 Hz	30	36	40	45	9
2000 Hz	28	34	38	43	7
2500 Hz	26	32	36	41	5
3150 Hz	24	30	34	39	3
4000 Hz	22	28	32	37	1
5000 Hz	20	26	30	35	-1
6300 Hz	18	24	28	33	-3
8000 Hz	16	22	26	31	-5
10000 Hz	14	20	24	29	-7

REMARKS: 1. Sound levels are corrected with free-field conditions over a reflecting plane.  
2. Sound levels can increase with multiple frequency tones depending on the data manufacturer and the unit configuration.  
3. Complete and correct data sets are provided and have been verified by the manufacturer.

MANUFACTURER SOUND DATA

REVISIONS	DATE
NEW STUDY	09/22/11
NEW SITE SURVEY	04/25/12

WARD C. CONNORS, P.E. SEAL  
STATE REG. NO. 45899  
FLORIDA ENGINEERING & DESIGN GROUP, INC.  
CONSULTING ENGINEERS  
1500 SOUTH OCEAN BLVD.  
LAUDERDALE, FL 33062  
PHONE: (954) 738-7400 - FAX: (954) 738-3414  
FLORIDA REG.# CE-6987

LEISURE TOWERS  
CONDENSER WATER SYSTEM RENOVATION  
1500 SOUTH OCEAN BLVD.  
LAUDERDALE, FL 33062

DRAWN BY: DMC  
CHECKED BY: VCC  
DATE ISSUED: 4/10/12  
PVC SCALE: 1/8"=1'-0"  
JOB NO: 2011-11  
SHEET

SP-03  
03 OF 03

## Exhibit 2

### Sec. 30-21. - Nonconforming uses and structures.

- (a) *Existing uses and structures.* Any lawful use or structure, excluding signs, existing on the effective date of this chapter and which by the terms thereof has become a nonconforming use or structure is hereby declared not to be in violation at this chapter's effective date. Such a nonconforming use or structure shall be subject to all of the provisions of this section pertaining to its continuance, change and discontinuance and Section 7.1 of the Town Charter.
- (b) *Nonconforming use; extensions.* The nonconforming use of a building may be extended throughout any part of a building clearly designed for such use but not so used at the effective date of this chapter. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building on the same plot not used for such nonconforming use of land at the effective date of this chapter. The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this chapter.
- (c) *Nonconforming use, repair, alteration, enlargement.* No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered unless the use is changed to one which complies with the provisions of this chapter; provided that repairs, maintenance and improvement may be carried out in any 12-month period in an amount not to exceed 25 percent of the assessed value of the structure for that year, and provided that such work does not increase the cubical content of the building nor the floor area devoted to the nonconforming use or increase the number of dwelling units. Nothing in this article shall prevent or excuse compliance with applicable laws or resolutions relative to the safety and sanitation of a building occupied by a nonconforming use.
- (d) *Reconstruction after catastrophe.* If any nonconforming structure or if any building in which there is a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that surpasses 50 percent of the replacement cost of the building or structure, it shall not be again used or reconstructed except in full conformance with all applicable land development regulations and Section 7.1 of the Town Charter.
- (e) *Change of nonconforming use.*
- (1) In any residential district, any change of a nonconforming use in a conforming building shall be to a conforming use.
  - (2) In a residential district, a nonconforming use and a nonconforming building shall be changed only to a use permitted in the particular residential district involved except as provided in subsection (e)(4) below.
  - (3) Any change of a nonconforming use of land shall be to a conforming use except as provided in subsection (e)(4) below.
  - (4) There may be a change of tenancy, ownership or management of a nonconforming use, provided that there is no change in the specific character of such nonconforming use except as may be permitted by this chapter. For example, a nonconforming professional office may continue as a nonconforming professional office after a change in tenancy, ownership or management but may not continue as another commercial or business use. Likewise, a retail store may continue as another type of retail store but not as a laundromat or other type of service establishment.
- (f) *Discontinuance or abandonment of a nonconforming use.*

- (1) If for any reason a nonconforming use of land ceases or is discontinued for a period of more than 60 days, the land shall not thereafter be used for the same or any other nonconforming use.
  - (2) If for any reason the nonconforming use of a building ceases or is discontinued for a period of 60 days or more (not including periods when restoration is in progress), the building shall not thereafter be used for the same or any other nonconforming use.
  - (3) Any part of a building, structure or land occupied by a nonconforming use which is abandoned shall not again be occupied or used for a nonconforming use.
  - (4) Any part of a building, structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.
- (g) *Continuance of nonconforming uses and structures.* Any legal nonconforming use or structure may be continued in accordance with the requirements of this section and Section 7.1 of the Town Charter.
- (h) *Unlawful use not authorized.* Nothing in this chapter shall be interpreted as authorization for or approval of the continuation of the use of a structure or premises in violation of any ordinance in effect at the effective date of this chapter.
- (i) *District or regulation change.* The foregoing provisions of this article shall also apply to buildings, structures, land, premises or uses which hereafter become nonconforming due to a change or a reclassification of district or become nonconforming due to a change in district regulations. When a period of time is specified in this article for the removal or discontinuance of nonconforming buildings, structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.
- (j) *Illegal use.* The casual, temporary or illegal use of land or a building shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such a use.
- (k) The lawful existence of a structure or building at the effective date of adoption of these regulations, although such structure or building does not conform to the land development regulations for minimum lot area and dimension, minimum yard setback requirements, maximum building height, total floor area, lot coverage and minimum floor area requirements or other characteristics of the structure, or its location on the lot, may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such building or structure shall be enlarged upon or altered in any way that increases its nonconformity. Such building or structure or portion thereof may be altered to decrease its nonconformity except as may be hereafter provided. Such nonconforming buildings or structures shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
  - (2) Should such structure or building be destroyed by any means to an extent that surpasses 50 percent of the replacement cost of the building or structure, it shall not be reconstructed except in conformity with the provisions of this section and any other applicable land development regulations including, but not limited to, Section 7.1 of the Town Charter.
  - (3) Should such structure or building be destroyed by any means to an extent less than 50 percent of its replacement cost, it may be restored only upon application to the Building and Zoning Department.
  - (4) Should such structure or building be moved for any reason for any distance whatever, it shall thereafter conform to the land development regulations for the zoning district in which it is located after it is moved.

- (5) Notwithstanding the foregoing, an existing residential building that is nonconforming to either height, setbacks or density may be replaced by a new nonconforming building when, and only when:
- (a) The existing nonconforming building has:
    - (i) Been destroyed by fire, natural disaster, or other act of God; and
    - (ii) The property owner has submitted and received Town approval of a site plan depicting the replacement building; and
    - (iii) Construction of the replacement building is commenced within 12 months of the date of destruction; or
  - (b) The existing nonconforming building is:
    - (i) Demolished as part of a Town-approved redevelopment of the property; and
    - (ii) Prior to demolition, the property owner has submitted and received Town approval of a site plan depicting the replacement building; and
    - (iii) Construction of the replacement building is commenced within six months of the date of site plan approval.
  - (c) The Town Commission may grant one or more six-month extensions to the time periods for commencement of construction established in paragraphs (5)(a)(iii) and (5)(b)(iii), above, provided a written request for extension is filed with the Town Clerk prior to (in the case of a first request for extension) the expiration of the initial applicable time period for commencement of construction or prior to (in the case of a subsequent request for extension) the expiration of the most recent extension of the applicable time period for commencement of construction.
  - (d) All new nonconforming buildings constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall comply, where applicable, with the restrictions on use and parking availability established in Section 7.1 of the Town Charter.
  - (e) The maximum allowable height of any new nonconforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original height of the nonconforming building which it replaces, plus any additional height which (because of the requirements of State or Federal law, or because of the restrictions on use established in Section 7.1 of the Town Charter) may be necessary to obtain the same number of habitable stories as was contained in the original nonconforming building. Nothing in this section shall be construed to prevent a new nonconforming building from being constructed to a lesser height or from containing fewer habitable stories than that of the original nonconforming building which it replaces. For the purposes of this section, the term "habitable story" means any story or part thereof that is used as a home or place of abode, either permanent or temporary, by one or more persons.
  - (f) The maximum allowable square footage of any new nonconforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original square footage of the nonconforming building which it replaces, plus any additional square footage which (because of the requirements of State or Federal law, or because of the restrictions on use established in Section 7.1 of the Town Charter) may be necessary to obtain the same number of habitable square feet as was contained in the

original nonconforming building. Nothing in this section shall be construed to prevent a new nonconforming building from being constructed either with less total square footage or with less habitable square footage than that of the original nonconforming building which it replaces. For the purposes of this section, the term "habitable square footage" means the square footage of that portion of a building that is used as a home or place of abode, either permanent or temporary, by one or more persons.

- (6) The maximum building height limits, the restrictions on use and the maximum allowable square footage, and the provisions governing parking established in Section 7.1 of the Town Charter, shall be applicable to all real property located within the boundaries of the Town as the boundaries exist on March 20, 2006.
- (l) *Alterations, construction, repairs, and maintenance and change.*
- (1) A nonconforming structure or building may be maintained and repairs and alterations may be made, except that in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law. Repairs as plumbing or the changing of partitions or other interior alterations are permitted.
  - (2) **Construction.** These regulations shall not be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the passage of or amendment to these regulations and upon which actual building construction has been diligently carried on. In no event shall the time of such construction exceed a period of one year except upon approval of the Town Commission.
  - (3) **Repairs and maintenance.** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed 25 percent of the current assessed value of the building; provided, that the cubic volume of the building, as it existed at the time of passage of or amendment to these regulations shall not be increased.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2009-10, § 2, 7-28-09)

**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 30-21 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)

**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 public hearings on the request below at Jarvis Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida, 33308, as follows:

Board of Adjustment: June 6, 2012  
6:30 PM

Town Commission: July 10, 2012,  
7:00 PM

The following request shall be considered at each public hearing, which any person may attend and/or speak at, regarding:

Application Number: 2012-V-001  
Applicant: Leisure Towers Association, Inc.

Location: 1500 South Ocean Boulevard

Lauderdale-By-The-Sea, FL 33062  
Zoning District: RM-25

Request: The Applicant is requesting a variance from the Town's Code of Ordinances, specifically from Section 30-21(k) (1) to allow the alteration of a structure in a manner that increases its nonconformity, and from Section 30-314(b) (6) to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower.

The agenda packet and related materials concerning this request are available for review at the Town Clerk's Office, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308.

PURSUANT TO SECTION 30-8 and 30-13, CODE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, THE APPLICATION WILL BE PRESENTED AND CONSIDERED AT THE BOARD AND COMMISSION MEETINGS ON THE DATES SET FORTH ABOVE. AFFECTED PERSONS WILL BE ALLOWED TO PRESENT EVIDENCE AT THE HEARING, BRING FORTH WITNESSES, AND CROSS EXAMINE WITNESSES PROVIDED NOTIFICATION AND FILING OF SUCH INFORMATION IS MADE WITH THE TOWN CLERK PRIOR TO THE ABOVE HEARING

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PUBLIC HEARINGS, 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 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)-640-4200 FOR ASSISTANCE.

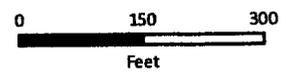
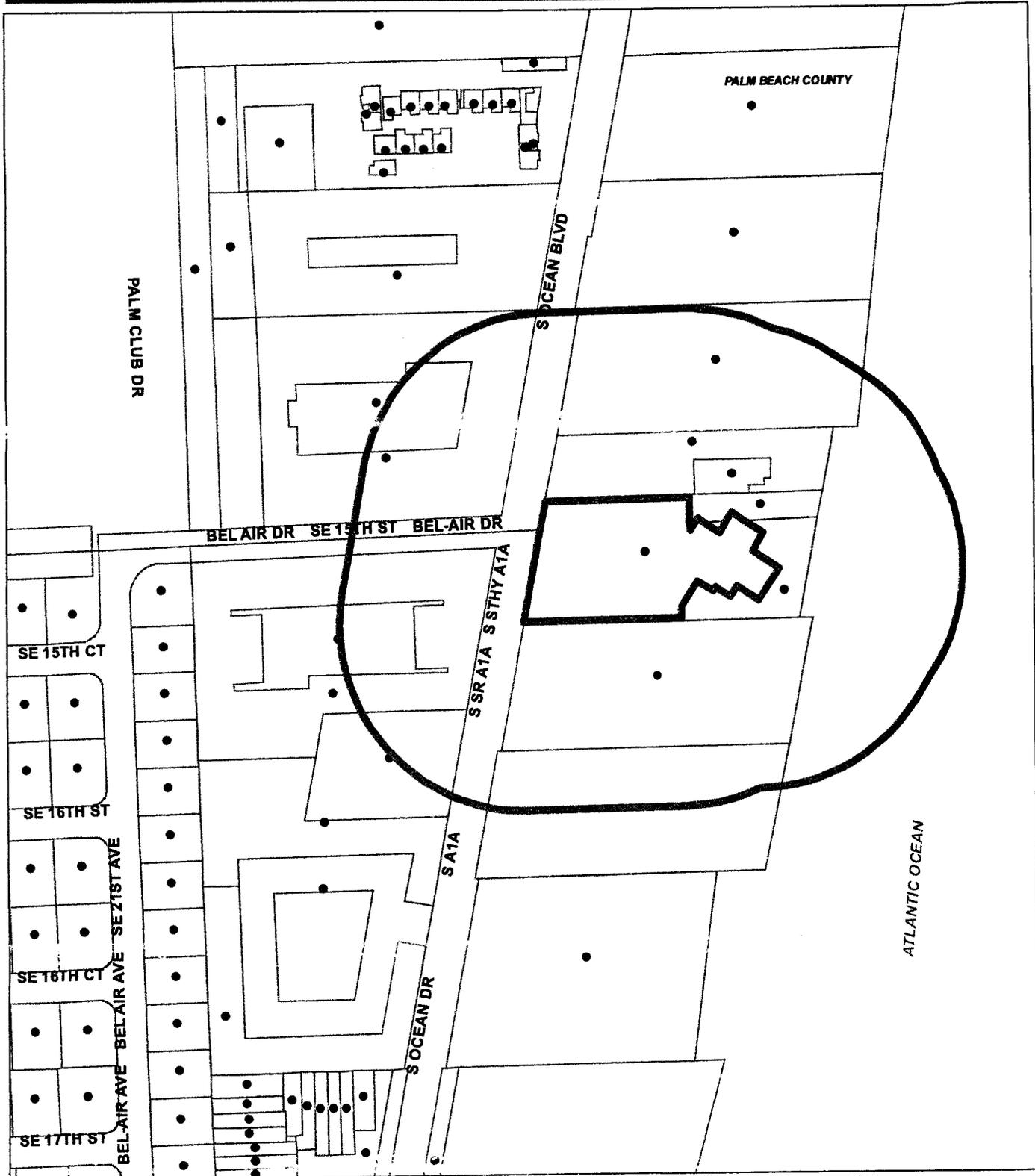
You may also submit written comments to:  
Town Clerk  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida  
33308  
Development Services Department  
Town of Lauderdale-By-The-Sea  
May 19, 2012

**SUN SENTINEL PROOF**

Customer: LAUD BY SEA TOWN OF  
Ad Number: 14088402

Contact: JUNE WHITE Phone: 9547760576

# 1500 S Ocean Blvd LBS



Source: Planning and Redevelopment Division

This map is for conceptual purposes only and should not be used for legal boundary determinations.

Prepared By: Broward County GIS, Planning and Redevelopment Division, Environmental Protection and Growth Management Dept.

# TOWN OF LAUDERDALE-BY-THE-SEA

## BOARD OF ADJUSTMENT ACTION AGENDA

*Town Commission Meeting Room  
Wednesday, June 6, 2012 at 6:30 P.M.*

### I. ELECTION OF OFFICERS

GERRI ANN CAPOTOSTO SELF NOMINATED FOR CHAIRMAN. HENRY OVERTON SECONDED THE NOMINATION. THE MOTION CARRIED 3-0.

HENRY OVERTON SELF NOMINATED FOR VICE CHAIRMAN. VERENICE RAPAPORT SECONDED THE NOMINATION. THE MOTION CARRIED 3-0.

### II. CALL TO ORDER

ROLL CALL- PRESENT GERRI ANN CAPOTOSTO, HENRY OVERTON, VERENICE RAPAPORT. ABSENT- HELENE WETHERINGTON, ARTHUR FRAN CZAK, HELEN SWINGHAMMER.

### III. PLEDGE OF ALLEGIANCE TO THE FLAG

### IV. APPROVAL OF MINUTES

Regular Meeting – July 15, 2009, December 7, 2011 and May 2, 2012

HENRY OVERTON MADE A MOTION TO APPROVE THE MINUTES. VERENICE RAPAPORT SECONDED THE MOTION. THE MOTION CARRIED 3-0.

### V. PUBLIC COMMENTS

### VI. TOWN PLANNER REPORT

### VII. NEW BUSINESS

- A. Applicant: Leisure Towers Association, Inc.  
Address: 1500 South Ocean Boulevard  
Lauderdale-By-The-Sea, FL 33062  
Request: Applicant is requesting a variance from the Town's Zoning Code, Section 30-21 (k) (1) to allow the alteration of a structure in a manner that increases its non-conformity, and from Section 30-341 (b) (6) to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower.

HENRY OVERTON MADE A MOTION TO ACCEPT THE VARIANCE WITH STAFF RECOMMENDATIONS:  
1. THE APPLICANT IS REQUIRED TO SECURE THE BUILDING PERMIT WITH EXCEPTIONS WITHIN 90 DAYS;  
2. THE PERMIT WILL BE CONSISTENT WITH SUBMITTED PLANS, EXCEPT AS MODIFIED BY THE BUILDING DEPARTMENT;  
3. THE COOLING TOWER STRUCTURE WILL BE PAINTED THE SAME COLORS AS THE BUILDING; AND

4. THE VARIANCE WILL BE RECORDED BY THE APPLICANT AT THEIR EXPENSE AND RETURNED TO THE TOWN WITHIN THIRTY DAYS.

GERRI ANN CAPOTOSTO SECONDED THE MOTION. THE MOTION CARRIED 3-0.

**VIII. BOARD MEMBER COMMENTS**

**IX. ADJOURNMENT**

GERRI ANN CAPOTOSTO MADE A MOTION TO ADJOURN AT 7:18 PM.

### EXHIBIT 3



#### VARIANCE DEVELOPMENT ORDER \_\_\_\_\_ TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

PROJECT NAME: Leisure Towers

ADDRESS OF PROPERTY: 1500 South Ocean Boulevard

PROPERTY OWNER: Leisure Towers Condominium Association

APPLICANT: Gary Condra, Condominium Association President

APPLICANT ADDRESS: 1500 South Ocean Boulevard

REQUEST: To allow a variance from Section 30-21(k) (1) to allow the alteration of a structure in a manner that increases its nonconformity, and from Section 30-314(b)(6) to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower, pursuant to Sections 30-8, "Variances", and Section 30-13, Quasi-Judicial Procedures of the Lauderdale-By-The-Sea Code of Ordinances.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on July 10, 2012, 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 Board of Adjustment and administrative staff, finds that the application, as conditioned herein, will promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood and further, that the application does meet all of the criteria in Section 30-8, which are as follows:

1. Special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of such land, structure or building.
2. The circumstances, which cause the hardship, are peculiar to the property or to such a small number of properties that they clearly constitute marked exception to other properties in the district.

3. The literal interpretation of the provisions of the applicable regulation would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.
4. The hardship is not self-created or the result of mere disregard for, or ignorance of the provisions of the regulations.
5. The variance is the minimum variance that will make possible the reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the applicable zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
6. The grant of the variance does not permit a use not generally permitted in the district involved or a use expressly or by implication prohibited by the terms of the regulations of the district in which the affected property lies.
7. Financial hardship is not a basis for granting a variance unless the failure to grant the variance will render the property unusable as a permitted use in the zoning district in which the property lies.

**SECTION 2. APPROVAL.** The request to allow the removal of three parking spaces from the non-conforming parking lot to accommodate the installation of an air conditioner cooling tower is hereby approved as shown on the site plan dated 04/27/2012 except as modifications may be required by the Building Official and attached as Exhibit 1.

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

1. The applicant shall be required to secure a building permit that meets all permit requirements except for Section 30-21(k)(1) and 30-314(b) (6), with the final cooling tower location subject to the approval of the Building Official, within 90 days of the approval of the Variance.
2. The installation shall be in accordance with the submitted plans for the hearing entitled, "Leisure Towers Condenser Water System Renovation," dated April 27, 2012, except as modifications may be required by the Building Official.
3. The cooling tower enclosure shall be painted to match the condominium building finish.
4. The Variance Order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense, and a certified copy of the recorded document returned to the Town within 30 days of the date of the building permit.

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 30-13(d)(12) 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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
**MAYOR ROSEANN MINNET**

**ATTEST:**

\_\_\_\_\_  
June White, Town Clerk, CMC

**Approved as to form:**

\_\_\_\_\_  
Susan L. Trevarthen, Town Attorney