

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION REGULAR MEETING AGENDA**

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, October 14, 2014**

**7:00 PM**

- 1. CALL TO ORDER, MAYOR SCOT SASSER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION - Reverend George Hunsaker**
- 4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
- 5. PRESENTATIONS**
  - a. 911 Regional Communications (Captain Fred Wood, BSO)
  - b. November 4th General Election Update (Tedra Smith Town Clerk)
  - c. Relay for Life Presentation (Tedra Smith Town Clerk)
  - d. Broward County Proclamation honoring Allen "The Grouper" Sherrod (Tedra Smith Town Clerk)
- 6. PUBLIC COMMENTS**
- 7. PUBLIC SAFETY DISCUSSION**
- 8. TOWN MANAGER REPORT**
  - a. Town Manager Report (Connie Hoffmann Town Manager)
- 9. TOWN ATTORNEY REPORT**
- 10. APPROVAL OF MINUTES**
  - a. September 9, 2014 Town Commission Meeting Minutes (Tedra

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Tuesday, October 14, 2014

Smith Town Clerk)

- b. September 15, 2014 Special Commission Meeting (1st Public Budget Hearing) Minutes (Tedra Smith Town Clerk)

**11. CONSENT AGENDA**

- a. Beach Cleaning Services Award ( Don Prince Municipal Services Director)
- b. Special Event Application for Marie White’s “Santa is Coming to Town” Proposed for Saturday, December 13th (Bud Bentley Assistant Town Manager)
- c. Special Event Application for Christmas By The Sea (Pat Himelberger Asst to the TM)

**12. ORDINANCES – PUBLIC COMMENTS**

- a. Ordinances 1st Reading
- b. Ordinances 2nd Reading

**13. RESOLUTIONS – PUBLIC COMMENTS**

**14. QUASI JUDICIAL PUBLIC HEARINGS**

- a. Setback Variance Application for 1941 West Terra Mar Drive: Requesting relief from the Broward County (Annexed Area) Code to Permit a Rear Setback of 5' Where 15' is Required (Linda Connors,, Town Planner/Asst. Development Services Director)

**15. COMMISSIONER COMMENTS**

**16. OLD BUSINESS**

**17. NEW BUSINESS**

- a. Bus Contract (Tony Bryan Finance Director)
- b. Selection of Consultant(s) for Planning Services (RFP No. 14-7-2) (Linda Connors Town Planner/Asst. Development Services Director)
- c. Proposed Revision of Section 30-326 General Regulations for Window Awnings and Entrance Canopies (Linda Connors Town Planner/Asst.

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Development Services Director)

- d. Discussion of Section 17-91(m), No signs on Sidewalk Café Fixtures  
(Commissioner Elliot Sokolow)
- e. Application for Relief of Code Enforcement Lien on Lot 2, 3 Block 20 LBTS  
(Folio #494318012020) Linda Connors, Town Planner

**18. ADJOURNMENT**

**19. FUTURE REGULAR COMMISSION AGENDA ITEMS**

*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, at the far right end of the dais.

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

Town Commission Regular Meeting Agenda  
Tuesday, October 14, 2014



**Agenda Item Memorandum**

**Broward Sheriff's Office**

Department

**Captain Fred Wood**

Department Director

<b>COMMISSION MEETING DATE - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> <b>October 14, 2014 – Regular Town Commission Meeting</b>	

**\*Subject to Change**

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

**FY2014 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**

**SUBJECT TITLE: 911 Regional Communications**

**EXPLANATION:** Vice Mayor Vincent had inquired regarding concerns he had over the recent media attention regarding some of the issues that have arisen with the Countywide 911 Dispatch transition. I contacted Director Rick Carpani from the Broward County Office of Communications Technology and he agreed to make a presentation to the Commission and address any questions from the dais.

**EXHIBIT:** Regional 911 Updates



Regional 911 - Now Better Than Ever!

October 3, 2014

## Consolidation News



### Dispatch Center Consolidation Complete

This week has been a busy one for the Office of Communications Technology (OCT) and the Broward County Regional Consolidated Dispatch System.

On Monday, September 22nd, E911 call-taking and dispatch services for Davie, Southwest Ranches, Miramar and Hallandale Beach were successfully transitioned out of the Public Safety Building (PSB), the largest of the pre-consolidated dispatch centers, into the South Consolidated Dispatch Center located in Pembroke Pines.

That success was repeated on Wednesday, September 24th, when E911 call-taking and dispatch services for Lauderdale-by-the-Sea, Deerfield Beach, Hillsboro Beach, Lauderhill, Lauderdale Lakes, Lazy Lake, Oakland Park, Pembroke Park, West Park, Weston, Cooper City, Fort Lauderdale-Hollywood International Airport, Port Everglades and Dania Beach were transferred to the Central Consolidated Dispatch Center located in Sunrise.

The era of the PSB being used for public safety call answering and dispatch services ended on Monday, September 29th, as operations for the cities of Parkland (police only), North Lauderdale and Tamarac, as well as other related operational functions, moved into the North Consolidated Dispatch Center located in Coconut Creek.

Finally, on October 1st, the city of Hollywood, which was consolidated into the South Consolidated Dispatch Center in Pembroke Pines, became the final municipality to become operational as part of the Consolidated Dispatch System.

The success of this major initiative was a direct result of the collaboration among the participating cities, the Broward Sheriff's Office and the County.

### Operational Review Boards Will Address Improvement Opportunities

Broward County has formed Operational Review Boards with municipal partners and the Broward Sheriff's Office to address improvement opportunities at each of the three centers. Police and fire rescue personnel met this week to address policy issues, as well as to establish protocols for reporting operational issues. These meetings are a new, permanent component of the Consolidated Communications System and will be held bi-weekly with partners at each of the Consolidated Dispatch Centers.

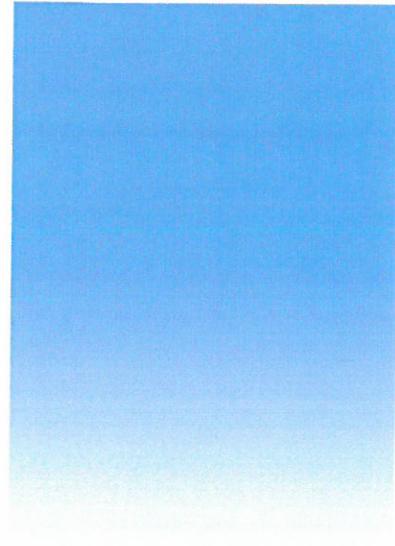
## Other Communications Technology News

■ [Subscribe to eNewsletter](#)

■ [Follow on Twitter](#)

■ [Broward County Commission](#)

**The 911 Regional Communications eNewsletter** is prepared and distributed by Broward County Office of Communications Technology and Office of Public Communications. For more information call 954-357-8570.



## County and Motorola Investigating Reported Radio System Issues

Broward County staff has been working with Motorola to discuss recent problems experienced by the public safety radio system. These problems caused intermittent, sporadic outages in different areas of the County. There has not been a complete shutdown of the radio system, as some have reported. As part of the investigation into these problems, Motorola installed specialized equipment that captures and decodes critical system information. Based on preliminary findings of their investigation, two primary issues have been identified thus far that appear to be affecting the functionality of the radio system: duplicate radio IDs and the use of patches, both of which affect the efficiency of the system. All unnecessary patches have been removed and an ongoing effort to remove duplicate radio IDs is underway.

On September 19th & 20th, the radio system experienced interference, which was determined to be caused by an illegal carrier. The radio system functioned as designed, however due to the strength of the illegal carrier the system was unable to self-heal, which caused systemwide intermittent issues for several users. County staff and Motorola are continuing to analyze the data and will be implementing further actions as necessary.

In the coming weeks, a technical consultant will be identified to begin the process of replacing the radio system, and its appurtenances, in its entirety.

## New Local Government Radio System to Increase Capacity of Public Safety Radio Network

Unrelated to the regional communications consolidation, on September 23rd, Broward County Commissioners approved a \$3.6 million, 10-year agreement with Control Communications, Inc. to engineer, install and maintain a new UHF 400 MHz digital trunking radio system. The new system will be used to support radio needs for County government operations, thus freeing up capacity on the public safety radio system that supports E911 operations. This system could be sized to accommodate other interested local governments. The new system will consist of three sites (EMS Tower, Coconut Creek Tower and Pembroke Park Tower), with six channels per site, and will integrate seamlessly with the City of Sunrise's existing 5-channel radio system located at Markham Park Tower. The new infrastructure should be in place by the end of March.



[Terms of Use](#)



**Agenda Memorandum**

**Clerk's Office**

**Tedra Smith**

Department

Town Clerk

<b>COMMISSION MEETING DATE: - 7:00 PM</b>
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- |  |   |                                       |                                       |
|--|---|---------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution              | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

**FY2014 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: 2014 Election Presentation**

**EXPLANATION:** Mary Cooney, Public Services Director of the Broward County Supervisor of Elections Office, would like to highlight some key points regarding the 2014 Election Cycle.

**Exhibits: 2014 Election Cycle PowerPoint**

Reviewed by Town Attorney

- Yes     No



***...WITH CONFIDENCE!***

**Dr. Brenda C. Snipes**  
***Broward County***  
***Supervisor of Elections***

***Elections Presentation***  
***2014***

# Election Process:

- ▶ Voter Education and Outreach
- ▶ Voter Registration
- ▶ Candidate Qualifying
- ▶ Voter Services
- ▶ Election Day Operations
- ▶ Election Planning and Development
- ▶ Information Technology
- ▶ Voting Equipment Center Operations

# Latest Election Statistics

## Current Statistics as of September, 2014

Democrats.....	541,822
Republicans.....	235,223
Others.....	282,224
Total.....	1,059,269

## Voter Turnout

January 29, 2008.....	38.33%	March 9, 2010.....	9.04%
August 26, 2008.....	11.41%	August 24, 2010.....	14.93%
November 4, 2008....	73.34%	November 2, 2010...	40.99%
January 31, 2012....		21.21%	
August 14, 2012.....		10.70%	
November 6, 2012...		66.85%	

# 2014 Election Dates

November 4, 2014 General Election

# Voter I.D. Requirements



- Florida driver's license
- Florida identification card issued by the Department of Highway Safety and Motor Vehicles
- United States passport
- Debit or credit card
- Military identification
- Student identification
- Retirement center identification
- Neighborhood association identification
- Public assistance identification

# 2014 EARLY VOTING

**November 4, 2014 General Election:**

**October 20, 2014 through November 2, 2014**

**Monday–Friday 9:00 a.m. to 7:00 p.m.**

**Saturday–Sunday 7:00 a.m. to 3:00 p.m.**

# Election Day Check In



## ***EViD*** **All-In-One**



- ▶ Serves as a check and balance to the voting process.
- ▶ Provides a complete paper trail for every step of the voter check-in process.
- ▶ Speeds up the voter check-in process, and voting experience as a whole.
- ▶ Easy-to-read touch screen keyboard
- ▶ Signature capture pad
- ▶ Magnetic stripe reader to read Florida driver licenses

# Current Voting Process

**Vote in privacy booth using writing utensil provided.**



**The voter will insert the ballot into the DS 200 optical scanning machine.**

# Two Ways to Vote on Election Day for the 2014 Elections

***Paper Ballot***



***DS 200 Scanner***

**or**

***Touchscreen***



ADA Compatible  
***iVotronic***

# Touchscreen Voting for ADA Voters



**Step 2 B**

**Thank You  
for Voting**

**Step 1  
Sign In**

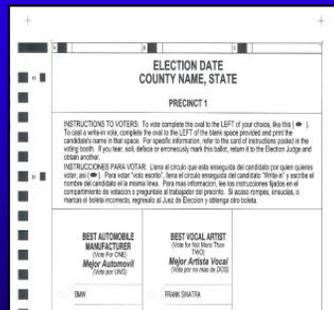


**EVID Machine**



**Step 2 A**

**Step 3**



**Paper Ballot**

(must complete in  
privacy booth)



**Optical Scan**

(voter will  
scan ballot)

**Thank You  
for Voting**

**Item No. 5.b.**

# Election Day Operations

- ▶ Polling Places (FL Statutes 101.715) 577 Precincts
- ▶ Election Day Workers (FL Statute 102.012)

Clerk (\$200)

Voting System Techs (\$200)

Assistant Clerk (\$170)

Field VST Super Clerks (\$200 + mileage)

Poll Deputy (\$160)

Bilingual / Inspectors (\$165)

- ▶ Training of Election Day Workers (FL Statute 102.014)
- ▶ Poll Worker Recruitment
- ▶ Hispanic and Creole speaking poll workers needed

# Absentee Ballot

## ▶ Who's eligible?

All Broward County registered voters

## ▶ How to request an absentee ballot

954-357-7055, 24 hours a day, 7 days a week

## ▶ Deadline to request an absentee ballot

Wednesday prior to an election

## ▶ Absentee Ballot Rejected For:

1. No signature

2. Late return

All ballots need to be returned to the Supervisor of Elections office by 7:00 p.m. on Election Day

# Tracking Absentee Voting

- ▶ Registered voter requests an absentee ballot
- ▶ Relia-Vote processes the absentee ballot
- ▶ Ballot is delivered to the post office
- ▶ Post office delivers ballot to the residence
- ▶ Voter can mail or hand deliver the ballot to the Supervisor of Elections office by 7:00 p.m. on election night
- ▶ Supervisor of Elections office receives and verifies
- ▶ Ballot is tabulated on election night
- ▶ Election night, the results are released

# Relia-Vote

## Absentee ballot processing



**VOTE**

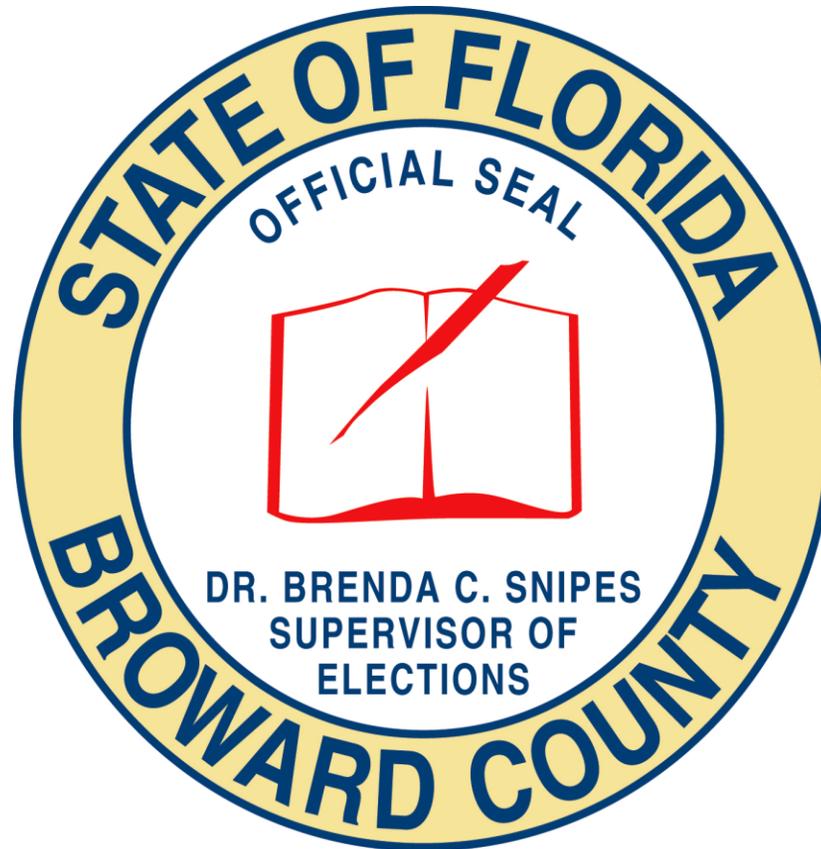
**...WITH CONFIDENCE!**

**Dr. Brenda C. Snipes**  
***Broward County Supervisor of Elections***  
***www.browardsoe.org***

## Topics for Discussion

- ▶ Election Process
- ▶ Latest Election Statistics
- ▶ 2014 Election Dates
- ▶ 2014 Early Voting
- ▶ Election Day Check-In
- ▶ EViD Machine
- ▶ Three Ways To Vote On Election Day

# What Motivates You?





## **Agenda Memorandum**

**Clerk's Office**

**Tedra Smith**

Department

Town Clerk

**COMMISSION MEETING DATE: October 14, 2014 - 7:00 PM**

- |  |   |                                       |                                       |
|--|---|---------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution              | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

**FY2014 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: Relay for Life Presentation**

**EXPLANATION:** A Representative from Relay for Life would like present a plaque to the Town of Lauderdale-By-The-Sea in honor of the success of the 2014 Relay for Life Event and to discuss possible ideas for 2015.

Reviewed by Town Attorney

Yes     No



**Agenda Memorandum**

**Clerk's Office**

**Tedra Smith**

Department

Town Clerk

**COMMISSION MEETING DATE: - 7:00 PM**

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

**FY2014 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: Broward County Proclamation honoring Allen “The Grouper” Sherrod**

**EXPLANATION:** Broward County Commissioner Chip LaMarca would like to present a proclamation to Allen “The Grouper” Sherrod in honor of his recent Guinness Book of World Record for the longest time submerged in open salt water.

**Exhibits: Proclamation**

Reviewed by Town Attorney  
 Yes       No

**REQUESTED BY  
COMMISSIONER CHIP LaMARCA  
BROWARD COUNTY**

**WHEREAS**, Allen "The Grouper" Sherrod was born on August 14, 1966, and grew up in Groveland, Florida. Upon graduation from Groveland High School he started his own roofing company and was a mechanic for his father's trucking company; and

**WHEREAS**, in 1987, he joined the Air Force where he specialized in Aircraft Mechanics and served our country for four years. After his honorable discharge he returned to the roofing industry.

**WHEREAS**, in 1999, he entered the irresistible world of scuba diving. In 2000, he became a dive instructor and opened his own dive shop, South Lake Divers; and

**WHEREAS**, besides the lure of scuba diving, he pursued and obtained his private pilot's license in 2004, and in 2009, he added a commercial pilot's license to the list of his accomplishments.

**WHEREAS**, his civic duty continued and he was elected to serve as a City Councilman in Groveland, Florida from 2005 to 2009, and was Vice Mayor for one of those years; and

**WHEREAS**, The Grouper continued his love of scuba diving and began training to break the Guinness Book of World Records for both Open Water Fresh Water and Salt Water Duration dives; and

**WHEREAS**, he broke the fresh water world record of 120 hours in September, 2011. In December 2011, he was successful with the salt water record, emerging from the waters off Lauderdale-by-the-Sea, Florida after 48 hours and 13 minutes to set a new record. Unfortunately, that record was broken in October 2013; and

**WHEREAS**, The Grouper, not to be discouraged, set out to break the world record again and re-gain his place as the record holder. On September 18, 2014, he entered the ocean waters off the beaches of Lauderdale-by-the-Sea, Florida and resurfaced 51 hours 4 minutes and 28 seconds later to claim the world title again.

**WHEREAS**, the diving community and Broward County are most pleased and honored Allen chose our beaches to claim his salt water world records, **NOW, THEREFORE,**

**BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:**

That the Board hereby designates Saturday, September 20, 2014, as "**ALLEN 'The Grouper' SHERROD DAY**" in Broward County, Florida, in honor of his recent Guinness Book of World Record for the longest time submerged in open saltwater.



**Agenda Item Memorandum**

**Administration**

**Connie Hoffmann**

Department

Department Director

<b>COMMISSION MEETING DATE - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> October 14, 2014 – Regular Meeting 7:00 PM	

*\*Subject to Change*

- |                                       |   |                                       |                                       |
|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input checked="" type="checkbox"/> Reports | <input type="checkbox"/> Consent      | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi-Judicial     | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

**FY2013 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: TOWN MANAGER REPORT**

**EXPLANATION:**

**ALPR Cameras**

Hallelujah, installation was completed on Friday, October 10<sup>th</sup>. Now BSO Officers need to be trained in using the reports from them.

**Installation of Stop Sign at Washingtonia and Seagrape**

There is a single stop sign at this intersection on Washingtonia. Commissioner Vincent asked a few months ago that we look into getting this intersection converted to a three way stop. Under our traffic engineering agreement with the County, they will only authorize installation of a stop sign if it meets the warrants established by traffic engineering standards and their recent study shows this intersection falls very short of meeting those warrants. To quote their report:

“The Broward County Traffic Engineering Division (BCTED) completed a study of the subject intersection to assess the justification for all-way stop control (AWSC).

Our AWSC study was performed in accordance with guidelines identified in the Federal Highway Administration publication entitled Manual on Uniform Traffic Control Devices (MUTCD). MUTCD states “STOP signs should not be used for speed control.” MUTCD further states that AWSC installations should ordinarily be used where the volume of traffic on the intersecting roads is significant and approximately equal. Specifically, MUTCD states that the total vehicular volume entering the intersection from all approaches must be at least 500 vehicles per hour (VPH) for any eight hours of an average day with minor-street traffic comprising 40 percent or more of the total approach volumes. Another justification for the installation of AWSC may be a crash problem as evidenced by the occurrence of five or more crashes within a 12-month period, where the crashes are of the types that are susceptible to correction by AWSC.

Traffic volume data for all approaches to the intersection were collected for consecutive 24-hour periods commencing September 10, 2014. Our review of that data showed that there were no hours during which the MUTCD minimum vehicular volume requirements were met. A copy of the analysis summary sheet is attached. In response to our request for crash records, the Broward County Sheriff’s Office responded to us that no crashes were reported at the intersection during the 24-month period from September 2012 to September 2014. In summary, neither the volumetric nor the crash warrants are satisfied. Therefore, BCTED does not recommend the installation of AWSC at the intersection of Washingtonia Avenue and Seagrape Drive at this time. I determined during my field investigation that the

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existing STOP sign is in good condition and located in the proper position to control the appropriate direction of traffic.”

I looked at the underlying data from the study to see if seasonal traffic might put us closer to the 500 cars per hour minimum. The highest number of vehicles per hour never was more than 126, so it seems highly unlikely that a three way stop signage would be warranted if the counts were taken in high season.

### **Holiday Season Lighting**

Our holiday season lighting decorations have all deteriorated to the point that we can't use them anymore. We have purchased a new display for the Town Hall lawn. Each year the staff puts up lights in the trees downtown, but it will be much more of a job this year with the additional palms and we do think we should put lights up all along Commercial Boulevard to rather than just downtown. We've gotten quotes from companies that professionally install seasonal lighting to do the entire street and it will cost approximately \$14,000. Given the cost, staff has approached the businesses on Commercial for donations of \$500 and we now have commitments totaling \$6,000. Our goal is to get at least \$7,000. The lighting will be in place from mid-November until mid-January, so it will be impactful. We wanted to make sure the Commission was aware of this effort.

### **Another Award for Commercial Boulevard Streetscape**

The Town and State Contracting and Engineering Corporation (SCEC) received the President's Award for the Commercial Boulevard Streetscape Projects at the Florida Redevelopment Association's annual conference, the highest recognition of the awards given at the conference. This is quite an honor. The President of the FRA told me the deciding factor in making us his choice was the extensive use of public art in the project.

Our thanks goes out to Leah Griffin of SCEC who prepared the application for the award with help from Pat Himmelberger.

Reviewed by Town Attorney

Yes  No



**Agenda Item Memorandum**

**Town Clerk**

Department

**Tedra Smith**

Department Director

<b>COMMISSION MEETING DATE</b>	
<input checked="" type="checkbox"/>	October 14, 2014– Regular Meeting 7:00 PM

*\*Subject to Change*

- |                                       |   |                                       |                                       |
|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

**FY2014 – PART OF THE STRATEGIC PLAN**

**SUBJECT TITLE: Approval of Meeting Minutes:**

**EXHIBITS:**

1. September 9, 2014 Town Commission Meeting Minutes
2. September 15, 2014 Special Commission Meeting (1<sup>st</sup> Public Budget Hearing) Minutes

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, September 9, 2014  
7:00 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himelberger, Town Attorney Susan L. Trevarthen, Ass't Development Services Director Linda Connors, Finance Director Tony Bryan, Municipal Services Director Don Prince, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Mayor Scot Sasser gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

**a. Strategic Marketing Update (Pat Himelberger, Assistant to the Town Manager)**

Kathy Koch of Ambit Marketing provided an update on the Town's strategic marketing plan as well as a proposal for the next fiscal year. The media strategy includes positioning Lauderdale-By-The-Sea as a desirable year-round location and a beach and diving destination.

Last year the Town increased its level of membership to Visit Florida, the State's tourism/marketing entity, which allowed it to apply for grants. Lauderdale-By-The-Sea received a \$2500 grant from this organization for Bugfest. The first media purchase of the past year was for the fall/winter season and targeted cooler climates (Boston and New York). Local branding ads highlighted the Town's charm and were recently featured in various magazines. Banner ads were placed on diving interest websites to promote the Town as a diving location. Summer ads were placed in AAA's *Going Places* supplement.

Lauderdale-By-The-Sea  
Town Commission Regular Meeting  
September 9, 2014

The next year will include continued advertising in the media that has been helpful in the past, as well as new markets such as Canada and Comcast television subscribers. The website [www.LBTSevents.com](http://www.LBTSevents.com) will reach out to social media as well as traditional media. Next year's media buy will once again be \$60,000.

The Commissioners discussed the presentation, suggesting that less successful marketing efforts should be discontinued as part of the overall strategy. Ms. Koch confirmed that Ambit has met with the Town's hotels, retail, and restaurants, to determine what can be done more effectively in the future.

**b. Presentation and Discussion of Pet Stores Purchasing from Puppy Mills (Commissioner Stuart Dodd)**

Mayor Sasser advised that the presentation, brought forward by Commissioner Dodd, proposes that the Town Commission take public comment and discuss action to establish strong controls to ensure that pet stores in the Town are selling animals bred in humane conditions. If there is consensus among the Commissioners, further review and action by the Town Attorney and Town Staff may follow. Any change in the law would follow the regular Ordinance process of two public readings and Commission votes.

Commissioner Dodd introduced Commissioner Michelle Lazarow of Hallandale Beach, stating that she has extensively researched the issue of puppy mills.

Commissioner Lazarow showed a PowerPoint presentation, stating that the legal definition of "puppy mill" is a dog-breeding operation in which the health of the dogs is disregarded in order to maintain low overhead costs and maximize profits. She stated that 99% of pet stores receive puppies from puppy mills or large-scale commercial breeding operations. She added that the USDA's minimum standards for breeding operations do not provide sufficient regulation of conditions, resulting in severe physical and psychological results to both puppies and breeding dogs.

Commissioner Lazarow showed an example of a certificate of veterinary inspection (CVI) from a breeder used by the Town's pet store, stating that it is one of the Humane Society of the United States' 100 worst puppy mills and a USDA violator. She cited some of the violations with which the breeder has been charged, and asserted that the store has purchased dogs from multiple breeders who have committed USDA violations.

Commissioner Lazarow concluded that because it is not possible for municipalities in Florida to monitor dog breeding activity in other states, the best option was a sales ban on puppies. She cited other cities that have taken this step, stating that while she and other elected officials are supportive of small business, they should also uphold a standard for compassion.

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Robert Sweetapple, representing Diamonds and Doggies owner Dominick Casale, addressed the meeting, stating that the business of pet sales is regulated by the federal government's commerce clause. He reiterated that states may not regulate business conducted in other states, and pointed out that pet stores themselves have not committed the violations described in Commissioner Lazarow's presentation. He concluded that it is not possible to prohibit interstate commerce in this fashion, and advocated for waiting for a decision from the federal courts rather than taking action at the Town level.

At this time Mayor Sasser opened public comment on the presentation.

Vivian Darnell, resident of LBTS, submitted a petition she indicated was signed by 235 individuals who support a ban on the sale of dogs bred in puppy mills. She asserted that the intent of the petition is not to harm or close a business, but to prevent the Town from assisting the puppy mill trade.

Sofia Mercer described her positive experience purchasing a puppy from Diamonds and Doggies, as well as her correspondence with the kennel at which her dog was born.

Cathy Hartney spoke in favor of an ordinance prohibiting the sale of commercially-bred puppies in Lauderdale-By-The-Sea. She provided information on similar bans in major cities throughout the United States.

Hope Gold advised that she also supported a ban on the sale of dogs allegedly bred in puppy mills. She added that she would not spend money in a municipality in which puppies were for sale in a store.

Lexi Preisser referred to a letter from a Broward County pet store owner on the topic of cities that have banned the sale of puppies in pet stores. She described the responses of other nearby Florida municipalities to a suggested ban.

Michael Quinn stated that he is a pet retailer in West Palm Beach. He described how his and similar retail businesses are successful without the sale of dogs from commercial breeders.

Bob Yarnell Jr., President of the American Canine Association, expressed concern with the growth of "retail shelters." He asserted that they represent a nonprofit business model seeking to put traditional pet retailers out of business through over-regulation, but do not offer the same consumer protections as traditional retailers.

Claudette Pagano stated that shelters do not always provide the animals that families may wish to purchase, and spoke in favor of the consumer protections provided by retailers in the state of Florida.

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Bob Schuyler, resident, spoke in favor of Diamonds and Doggies, describing its environment positively.

Kathy Pelton recommended that the Town keep in mind that the majority of dogs available in pet stores are procured from breeding farms.

Judith Werr described the conditions that can occur in puppy mills.

Dominick Casale, owner of Diamonds and Doggies, objected to some of the slides in Commissioner Lazarow's presentation, stating that his store does not deal with breeders who maintain these conditions. He confirmed that he has purchased dogs from a licensed broker, who may have brought in animals from facilities with violations. He added that he did not feel the presentation was appropriate Town business, citing other issues that he felt were more important.

Melanie Dittmayer described her experience in Diamonds and Doggies, stating that information about the dogs' breeders was not openly shared.

James Rivali stated that the issue is the right to do business, and he felt the federal courts could provide a better answer than a municipality.

Karen Rosete asserted that animals should be adopted from rescue organizations rather than purchased in stores, as the pets sold in stores typically come from puppy mills.

Keira Heath, employee of Diamonds and Doggies, spoke favorably about her job, stating that puppies in the store are seen by a veterinarian if they seem to be ill. She invited all present to visit the store.

Wendy Kaplan, representing Best Friends Animal Society, stated that most pet retailers purchase their animals from high-volume commercial breeders, many of which offer animals with health and socialization issues.

Leslie Wynne, private citizen, referred to a flyer she had recently received in the mail from Doggies & Diamonds, which offered sales on puppies and gifts with purchase. She objected to the suggestion that puppies were products.

Karen Belack stated that one quarter of the population of dogs surrendered to shelters are purebreds from large breeding organizations. She did not feel it was appropriate to profit from these businesses.

John Bruno thanked Commissioner Dodd for bringing this issue before the Commission. He concluded that pet stores promote animal exploitation.

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Janet Hayes, resident, explained that she is a volunteer at Diamonds and Doggies, and described the care with which staff treats the animals in the store.

Bob Fleishman, resident, stated that he felt it was inappropriate to allow a presentation that made allegations against a business within the Town. He added that all breeding facilities do not fall into the category of puppy mills.

Helene Jones advised that she will no longer patronize businesses within the Town due to the presence of a pet store selling puppies. She reiterated that many dogs euthanized at shelters were purebreds originally purchased in stores.

Don Anthony, Communications Director for the Animal Rights Foundation of Florida, stated that he would support an ordinance banning the sale of commercially bred animals in pet stores. He declared that such a law would not harm small businesses or hobby breeders.

The Commissioners discussed the presentation and public commentary, with Commissioner Dodd reiterating that the presentation was for educational purposes only. Town Attorney Susan Trevarthen advised that because the presentation was a discussion item, the Commission may direct Town Staff to pursue or not pursue prospective regulation(s); they may also defer the issue until a later meeting if they wish.

Commissioner Sokolow stated that he felt the presentation had become an attack on a Town business, which he felt was inappropriate. Commissioner Brown also stated he was not in favor of addressing an issue that is currently moving through the judicial system, and was against making a decision based on emotional appeal rather than evidence of wrongdoing or complaints. Vice Mayor Vincent advised that instead of discussing the issue of puppy mills, most of the discussion at tonight's meeting had focused on one business within the Town, which he characterized as missing the point, as the store was not a puppy mill. He concluded that this issue was not one the Town should address.

Mayor Sasser observed that more study of the topic would be necessary before any Town action was warranted. He also agreed that he wanted to hear from the judicial system to find out whether or not a municipality could take action to restrict such sales.

Commissioner Dodd stated that he felt the CVIs shown during the presentation were sufficient evidence that the store purchased animals from puppy mills. He asserted that where the dogs come from was indeed the Commission's business, as the store's conditional use application stated it would not buy from puppy mills.

The Commissioners agreed by consensus that they would await a ruling at the federal level before determining whether or not any action should be taken by the Town. Town

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Attorney Trevarthen advised that she would report back to the Commission when the Sunrise lawsuit has been decided.

The Commission took a 10-minute recess at this time.

**6. PUBLIC COMMENTS**

Roseann Minnet, resident, advised that the Chamber of Commerce supplies a basket for donations to Pantry of Broward County. She described that organization's mission, which is to serve seniors on fixed incomes and grandparents raising children, and encouraged all present to donate to this cause.

Edmund Malkoon, resident, provided a brief update on the A1A Advocacy Group, stating that at its August 21, 2014 meeting, the committee focused on marketing strategies, County-wide travel itineraries, and A1A improvements. He concluded that further education of drivers and residents is necessary regarding the new pedestrian crosswalk on West Commercial Boulevard.

**7. PUBLIC SAFETY DISCUSSION**

None.

**8. TOWN MANAGER REPORT**

**a. Town Manager Report (Connie Hoffmann, Town Manager)**

Mayor Sasser requested further discussion of the issue of back-out parking. Assistant Town Manager Bud Bentley explained that Code prohibits any new back-out parking on A1A; however, Staff believes that requiring some businesses to remove back-out parking stifles redevelopment. With the Commission's concurrence, this will be discussed further with the Town's Planning and Zoning Board.

Ass't Development Services Director Linda Connors added that, under the current definition, improvements such as façade improvements would require removal of back-out parking. Staff will bring modifications to the definition of redevelopment before the Planning and Zoning Board in order to clarify that provision. In the case of new construction, back-out parking would be removed. She noted that this Item would be brought back to the Commission at their next scheduled meeting.

**9. TOWN ATTORNEY REPORT**

None.

**10. APPROVAL OF MINUTES**

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- a. **August 19, 2014 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

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

## **11. CONSENT AGENDA**

Commissioner Dodd requested that Item 11d be pulled for discussion.

- a. **Sanitary Sewer / Storm Drain Maintenance and Repair Award (Don Prince, Municipal Services Director)**
- b. **Approval to utilize the City of Coconut Creek's Commercial Recycling Contract with Sunshine Recycling Services of SW Florida, LLC (Bud Bentley, Assistant Town Manager)**
- c. **Budget Transfer for Recycling and Solid Waste Programs (Bud Bentley, Assistant Town Manager)**

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve A through C. Motion carried 5-0.**

- d. **Special Event Application from LBTS Chamber for Arts and Crafts Show proposed for Saturday and Sunday, October 25-26, 2014 (Bud Bentley, Assistant Town Manager)**

Commissioner Dodd explained that he wished to confirm the areas in which tents will be allowed at this year's event. Asst. Town Manager Bentley clarified that the Applicant will use the El Mar parking lot for tents, but that neither plaza will have tents in them as they did last year.

Mayor Sasser requested that the site plan prevent placement of any vendor too close to a business selling similar goods. Asst. Town Manager Bentley advised that, although the Applicant has been sensitive to this issue in the past, Town Staff has no control over specific placement of vendors unless it is a condition of approval. The Commission agreed that this condition should be added.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve, with consensus for the Town Manager or Asst. Town Manager to have authority over the final site plan, including location and type of vendors. Motion carried 5-0.**

## **12. ORDINANCES**

**Ordinances 1<sup>st</sup> Reading**

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**Ordinances 2<sup>nd</sup> Reading**

- i. **Ordinance 2014-07 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 20, “Utilities,” of the Town’s Code of Ordinances by amending Article II, “Sanitary Sewer System,” Section 20-19 “Rates and Charges” to adopt revisions to the Schedule of Rates and Charges for Sanitary Sewage Collection, Transmission, and Disposal Service; and providing for severability, conflicts, and an effective date (Tony Bryan, Finance Director)**

Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 3-2 (Mayor Sasser and Vice Mayor Vincent dissenting).**

**13.RESOLUTIONS – PUBLIC COMMENTS**

None.

**14.QUASI JUDICIAL PUBLIC HEARINGS**

Any individuals wishing to speak on the quasi-judicial items were sworn in at this time.

- a. **Administrative Adjustment 205-215 Commercial Blvd. (Linda Connors Ass’t Development Services Director)**

Ass’t Development Services Director Connors recalled that the site plan for construction of a property at 205-215 Commercial Boulevard was approved at a previous meeting. She explained that the administrative adjustment would allow an overhang to match the existing property. The existing overhang is 4 ft., while Code allows only 3 ft. Because the area lies within a right-of-way owned by the Florida Department of Transportation (FDOT), approval from FDOT is also required.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

- b. **Sea Lord Hotel and Beach Club Request to Extend Site Plan Development Order for six (6) months**

Ass’t Development Service Director Connors advised that this site plan was also approved earlier in the year. The Applicant has requested a second extension to their development order. A significant number of the site plan’s structural components have been completed. The extension would last until March 2015, which is nine months total.

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

### **15. COMMISSIONER COMMENTS**

Commissioner Brown reported that on Thursday, September 17, from 5:30-7:30 p.m., the Florida Department of Transportation will hold a public meeting to unveil plans for renovating A1A from Oakland Park Boulevard to Flamingo Drive. He added that the third sea oats planting will take place on Saturday, September 20 in front of the Caribe Condominium and Surfing Yacht Club beginning at 8 a.m. Another planting will be held on Saturday, September 27 in front of Cristelle Cay, also starting at 8 a.m. He urged Town businesses and condominiums to allow sea oats planting on their properties.

### **16. OLD BUSINESS**

#### **a. Estimated Cost to Underground Utilities in South Alley between El Mar and A1A (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann advised that \$100,000 was budgeted as a “placeholder” in the fiscal year (FY) 2014-15 budget toward the cost of underground utilities at this location. The estimated cost of the Town’s portion of this payment is approximately \$110,000; however, that there could be an additional \$5,000-\$10,000 cost for each private building served by these poles, which could potentially raise the cost to \$170,000 if the Town opted to pay for these connections. She noted the consulting engineers advised that it is usually the private businesses’ unwillingness to pay for the service changes that stops such projects. She asked if the Commissioners would possibly entertain the idea of paying for undergrounded lines to these buildings.

The Commissioners discussed the Item, noting that in addition to the prospective costs, the relocation of transformers and poles on the lot could result in no net gain of parking spaces or aesthetic benefits. Commissioner Brown stated that he would like to see architectural drawings of the site, as well as the potential location of the utility boxes on the lot, before coming to a decision on the costs. It was noted that it may not be possible for the Town to force private buildings to participate in undergrounding in the absence of development, even in the event that costs are picked up by the Town. Mayor Sasser observed that having the Town pay these costs could set an unwanted precedent.

The Commission arrived at a 4-1 consensus to appropriate \$170,000 in the FY 2014-15 budget (Mayor Sasser dissenting).

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**17. NEW BUSINESS****a. Application for Relief of Code Enforcement Lien at 4477 Poinciana Street – Villa Lago (Linda Connors, Assistant Development Services Director)**

Mike O’Keefe, representing the Applicant, explained that his client purchased the subject in 2011, using a property manager, title company representative, and real estate agent. The Applicant did not discover until a later date that the City had informed the property manager of the need for a vacation rental permit for the property. The necessary paperwork for a business tax receipt (BTR) was not filed by the property manager until after a July 20, 2011 hearing of the case as a Code violation; however, the Applicant was still not notified of the need for a vacation rental permit application by the property manager or the Town.

Mr. O’Keefe concluded that although the Town was aware they were dealing with a property manager rather than the owner, no effort was made to send certified notice to the owner at his home address, which is out of state. The certification of a lien was approved in October 2011, but the property owner was not aware of this lien until June 2012.

Property manager Jason Clark, representing By-The-Sea Vacation Villas, attested that two certified letters sent to the subject property were returned, as it was unoccupied at the time. He pointed out that his business address and contact information was included on the BTR application, but he was not contacted regarding the need for a vacation rental permit. Mr. Clark concluded that he met with Code Enforcement Officers after a request for mediation was submitted to the Town, and the property was found to be satisfactory.

Ass’t Development Services Director Connors explained that Florida Statutes require Code Enforcement to contact the individuals listed as owner of record at the address listed on the Broward County Property Appraiser’s website which, in this case, was the property address in Lauderdale-By-The-Sea. The Town had done this and, in addition, Town Manager Hoffmann noted that Town records reflected that Code Officers had contacted the property agent’s office almost fifteen times seeking resolution of this matter which contradicts Mr. Clark’s statements that there was no attempt to do so.

Mr. Clark clarified that he had no record of such communication at his office.

Ass’t Development Services Director concluded that the subject property was in violation for 268 days, resulting in a lien of \$26,800. The original citation for lack of a BTR ran for 427 days before the lien began to accumulate. The property did not generate income during this time frame, although it was rented after the filing of the

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BTR. It was noted that no certified mail was sent to the property before the BTR was filed.

Vice Mayor Vincent asked to know the administrative costs associated with the case. Ass't Development Services Director Connors replied that the Special Magistrate set an administrative fee of \$100 for the Code fine, which has been paid. Administrative fees for processing the Application have not been calculated. Mr. Clark confirmed that he was aware of the need to file a BTR application for a vacation rental property.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to extend the meeting until 11:15. Motion carried 5-0.**

Commissioner Dodd and Town Manager Hoffmann pointed out that a property manager should be aware of the need for both a BTR and a vacation rental license. It was also noted that significant Staff time has been spent dealing with this issue so the administrative cost was far more than \$100.

Vice Mayor Vincent, however, stated that the property management company has been in operation for some time, and pointed out that it was unlikely for a property manager who was aware of the lien to allow it to accrue to \$26,000.

**Commissioner Brown made a motion to accept payment of the \$100 administrative fee and \$500. The motion died for lack of second.**

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to mitigate the lien down to 20% of the accumulated fines plus administrative costs if paid within 30 days. Motion carried 3-2 (Vice Mayor Vincent and Commissioner Sokolow dissenting).**

**b. Speed Bumps for Terra Mar Island (Mayor Scot Sasser)**

Chuck Clark, representing the Terra Mar Island Civic Association, requested that the Commission consider the installation of speed bumps as a traffic calming device on Terra Mar Island. He recalled that the issue originally arose six years ago but was defeated. Since that time, the Island's demographics have changed and more families with young children and/or pets have relocated to the area. He concluded that the Civic Association was unanimous in its support of speed bumps.

Mayor Sasser noted that there is already one speed bump on the eastern side of the Island; the Civic Association is requesting two new speed bumps on the longer portion of the Island. Mr. Clark stated that a third speed bump on the eastern side of the Island was also needed. It was noted that a speed survey by the Broward Traffic Department may be required before the Town may proceed with the installation. The Commissioners arrived at unanimous consensus to direct Staff to obtain a clarification of the process

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and pricing for two speed bumps for the Island, to obtain pricing for a third bump once the Terra Mar Island Civic Association confirms the request in a letter.

**c. FY 2014-15 Medical and Prescription Drug Coverage (Tony Bryan, Finance Director)**

Tony Bryan, Finance Director, advised that the Town's insurance provider, Coventry, has proposed a 24% increase in the premium for the Town's current plan. Our broker solicited quotes on a variety of plans from Coventry and several other insurance companies. Staff has reviewed the options and recommends that the Town stay with Coventry, but switch from its present point-of-service plan to a health maintenance organization (HMO) that offers similar benefits at a small increase in cost. The premium increase for the HMO would be 20%. For the employees, that would come to an overall increase of 18%, due to the continuation of Gap coverage which reimburses some copays and deductibles.

Finance Director Bryan noted that earlier in the day, he was informed that Coventry may be willing to reduce its medical premiums by an additional 1% if the Town wished to switch to their dental coverage. Because Staff has not yet had sufficient time to explore this option, he requested that the Commissioner authorize Town Manager Hoffmann to evaluate Coventry's dental option, determine which carrier offers the best deal, and contract with either the current dental provider, Assurant, or Coventry. He clarified that this does not change Staff's recommendation regarding medical coverage.

Mayor Sasser expressed concern about switching to an HMO, as he knew that HMOs were much less desirable than PPOs, and he asserted that he felt the Town's employees deserved better. Vice Mayor Vincent agreed. Town Manager Hoffmann confirmed that an HMO required that you go to your primary care doctor for referrals to a specialist, which meant more out of pocket expenses for the employees. She also pointed out that Town employees would not have the option of going out-of-network for medical services if the Town switches to an HMO. However, staff had recommended the HMO option due to cost savings for the Town, which would total approximately \$8,000. Finance Director Bryan explained that, although the medical coverage was going up substantially, the budget reflects an overall 10% increase for all insurance coverages.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to give the Town Manager the authority to make [the above] changes if she can, and negotiate a better deal if possible on the medical, dental, and life insurance. [The motion was not voted upon.]**

Finance Director Bryan clarified that this would authorize the Town Manager to contract with the HMO for the medical plan recommended by Staff, and evaluate the dental plans to determine if an additional 1% can be saved on the medical plan.

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**Commissioner Dodd made a motion, duly seconded, to extend the meeting until 11:30. Motion carried 5-0**

Commissioner Sokolow and Mayor Sasser expressed concerns regarding the prospective change to an HMO, with Mayor Sasser noting that he would prefer the Town retain its current plan if the HMO represents a significant decrease in service. Commissioner Brown and Vice Mayor Vincent stated that their preference would be for the plan providing the best level of service to the Town’s employees rather than basing the decision on the lowest costs. Finance Director Bryan replied that the Town’s current point-of-service (POS) plan offers the best protection for the employees. He noted that the overall annual increase in insurance costs for this plan over the current year’s budget would be \$47,000, including the additional \$7,000 in premiums for the increased life insurance benefits discussed in another agenda item.

**Vice Mayor Vincent made a motion, seconded by Commissioner Brown, to approve the Coventry POS medical health insurance plan and the American Fidelity Assurance Company gap insurance at the current level of coverage. Motion carried 5-0.**

**d. FY 2014-15 Life Insurance Coverage (Tony Bryan, Finance Director)**

**Commissioner Brown made a motion, seconded by Vice Mayor Vincent, to approve Staff’s recommendation and increased life insurance benefits. Motion carried 5-0.**

**e. FY 2014-15 Vision and Dental Coverage (Tony Bryan, Finance Director)**

**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to keep the current providers and plans. Motion carried 5-0.**

**18. ADJOURNMENT**

With no further business before the Commission at this time, the meeting was adjourned at 11:29 p.m.

\_\_\_\_\_  
Mayor Scot Sasser

ATTEST:

\_\_\_\_\_  
Town Clerk Tedra Smith

\_\_\_\_\_  
Date

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION SPECIAL MEETING  
Jarvis Hall  
4505 Ocean Drive  
Monday, September 15, 2014  
6:00 P.M.**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 6:04 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Stuart Dodd, Commissioner Mark Brown, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. RESOLUTIONS**

Finance Director Tony Bryan provided a brief presentation on the capital projects in the Town's fiscal year (FY) 2014-15 budget. He noted that despite an increase in property values, 71% of Broward County municipalities decided to keep or increase the proposed millage rate. Lauderdale-By-The-Sea has elected to reduce its millage, which will be tied for the third-lowest rate in the County at 3.8%. Because the proposed rate is higher than the roll back rate, the Town's budgeted ad valorem tax revenues will increase by \$206,841. Some of the items covered by this additional revenue will include:

- Increase in the Broward Sheriff's Office (BSO) contract, which is approximately \$300,000;
- Pressure cleaning for Downtown sidewalks;
- Addition of one municipal services worker to clean and to assist people in the Downtown area, as approved by the Commission during the fiscal year;
- Increase in benefit costs for Town employees.

Finance Director Bryan noted that less than 20% of ad valorem taxes that our property owners pay will come to the Town. Approximately 70% of the ad valorem tax revenue is divided between Broward County Schools and Broward County government. Because of the Save Our Homes provisions and because the increase in valuation varies from property to property, the amount of increase in taxes paid will vary between taxpayers.

He moved on to fire assessment rates, noting there is no change in the rate and the Town's rates remain the second-lowest in the County for single-family residential households and commercial properties with 7700 sq. ft. or less.

The Capital Improvement Plan (CIP) for FY 2014-15 includes the following items:

- \$755,000 for drainage projects in Bel Air, Pine Avenue, and Basin Drive;

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- \$170,000 for underground utilities;
- \$532,000 for other projects, including beach restrooms, park improvements, and beach re-nourishment;
- \$579,000 for Commercial Boulevard streetscape improvements.

Finance Director Bryan pointed out that while there are no changes in the staffing levels in the budget for the Town administration, the allocation of the Assistant Town Manager's salary and benefits in Development Services and General Government will decrease, while the allocation for the Parking Fund will increase. In the Municipal Services Department, two positions were upgraded to Maintenance Worker II. In comparison with the FY14 All Funds budget, the FY15 budget will decrease \$1.7 million, or 9%.

The Commissioners discussed the presentation, clarifying that while the Town's millage rate will be decreased, it will be higher than the rollback rate. Mayor Sasser expressed concern that such a significant portion of the Asst. Town Manager's time will be spent on the Parking Fund. The Town Manager clarified that is reflective of the amount of time parking matters consume, as well as the health of the Parking Fund. The Commissioners also reviewed the millage rates of other Broward County municipalities, noting that many other cities draw on significant reserve funds in order to preserve their millage rates.

Finance Director Bryan pointed out that the budget figures can be confusing, as some of the decreases in the budget are actually transfers between funds, such as from the General Fund to the Capital Fund. Governmental accounting standards require the transfers be shown as expenditures, so this has the effect of "double-counting" this expense – once as the transfer, and second when the funds are actually spent on capital projects, which is required by. He explained that all but \$500,000 of the money spent in the Capital Fund next year will come from the General Fund balance.

He explained that tax proceeds from the ad valorem tax levy are used to cover ongoing operating expenses in the General Fund such as police services and municipal services. Town Manager Hoffmann noted that the funds being raised by adopting the millage rate rather than the roll back rate is less than the increase in the cost of BSO police services next year.

Commissioner Dodd commented that when the Town's property values are multiplied by a low percentage, the result is significant revenue. He advised that the Commission should remain mindful of this.

- a. Resolution 2014-35 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, establishing the Final Fire Assessment Rate on property that is specially benefited by Fire Protection Services for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015; confirming the**

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**Final Assessment Rolls and levying such special assessments (Tony Bryan, Finance Director)**

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

Commissioner Brown recognized the Town's Volunteer Fire Department (VFD) for their financial management, stating that it is a key reason the Town can maintain a low fire assessment rate.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

- b. Resolution 2014-36 – A Resolution of the Town of Commission of the Town of Lauderdale-By-The-Sea, Florida establishing the proposed Town Ad Valorem Tax Millage Rate at 3.8000 Mills per thousand dollars of Taxable Assessed Value, which is 3.05% above the rolled back rated computed pursuant to State Law, for the 2014 Tax Year; announcing the Second and Final Millage Rate; providing for severability, conflicts, and an effective date (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment.

Yann Brandt, resident, asserted that the Town's millage rate is too high, resulting in a tax increase for residents. He did not feel the documentation before the Commission was accurate in its presentation of the millage rate as a reduction, and characterized this presentation as intellectually dishonest. He also noted that the projects listed in the Capital Fund are being paid for by funds raised from previous years, which he stated were the result of over taxation in those years.

As there were no other individuals wishing to speak on this Item, Mayor Sasser closed public comment at this time.

Commissioner Brown pointed out that taxes in the state of Florida are based on property values, as there is no state income tax. He also noted that the Commission does not determine property value, and that an increase in property values should be seen as a positive. He concluded that there are no areas in the budget for which he would advocate cuts, although he invited the earlier speaker to make recommendations for cuts, which would be considered.

Town Attorney Trevarthen explained that the published millage rate is the maximum amount that can be charged. The Town retains the ability to lower the rate, although it would not be possible at this point in the budget cycle to exceed the published amount.

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Commissioner Sokolow disagreed with the characterization of the millage rate as “intellectually dishonest,” as the budget advertisement clearly states the Town is implementing a tax increase. He added that Staff’s original budget proposed a lower millage rate, and noted that one capital project, the undergrounding of utilities, may not be carried out. However, the other capital projects were not considered to be discretionary, and he felt the Town should budget for a surplus due to the possibility of an emergency.

Town Manager Hoffmann advised that the estimated Town portion of the possible undergrounding project in the south alley is \$110,000. The additional cost to the individual property owners is estimated at \$5000-\$10,000 per property affected. The unwillingness of adjacent property owners to absorb these costs is what often derails undergrounding projects so the Town will ultimately need to decide whether or not they wish to absorb these costs in order to proceed with the project. The \$170,000 budget allocation for the project assumes the Town will end up paying the costs to connect to private properties. She noted that the balance of what is needed for this project would come from the General Fund balance, which means it would not affect the millage rate.

Mayor Sasser stated that he would consider lowering the millage rate, and pointed out that even a \$25,000 reduction to the Contingency Fund would have a slight effect on the rate. The Commissioners discussed the potential cost of absorbing the undergrounding expenses for individual properties, which would include the removal of utility poles and providing service from new ground-level transformers to the businesses, and decided to leave those funds in the budget for now.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to keep [the millage rate] as it is by Staff recommendation. Motion carried 5-0.**

- c. Resolution 2014-37 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting the attached Tentative Town Budget for the 2014/2015 Fiscal Year; announcing the Second and Final Public Hearing to adopt the Final Town Budget for the 2014/2015 Fiscal Year; providing for an effective date (Tony Bryan, Finance Director)**

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

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

#### **4. ADJOURNMENT**

With no further business before the Commission at this time, the Special Meeting was adjourned at 6:52 p.m.

Lauderdale-By-The-Sea  
Town Commission Special Meeting  
September 15, 2014

\_\_\_\_\_  
Mayor Scot Sasser

ATTEST:

\_\_\_\_\_  
Town Clerk Tedra Smith

\_\_\_\_\_  
Date



**Agenda Memorandum**

**Municipal Services**

Department

**Don Prince**

Department Director

**COMMISSION MEETING DATE: October 14, 2014**

Presentation     Reports     **Consent**     Ordinance

**SUBJECT TITLE: Beach Cleaning Services Award**

**EXPLANATION:** On September 29, 2014, RFP 14-07-01 for Beach Cleaning Services was opened. The Town received one (1) proposal from the Town’s current vendor, Beach Raker. Although the Town only received one (1) proposal Town Staff had answered some inquiries from two (2) other vendors that decided not to submit bids. The full proposal is on file in the Town Clerk’s Office. The Beach Cleaning Services contract is a three (3) year contract with two (2) additional one (1) year extensions with no escalator clause included.

Beach Raker’s cost proposal (**Exhibit 1**) is \$162,708 per year (\$13,559 per month). Their current month rate is \$13,559 and they have not proposed an increase. We included \$180,000 in the FY15 Budget because we often call on them for extra services. The costs for those services are shown in **Exhibit 1**.

Beach Raker has been providing exceptional beach cleaning services to the Town for over thirty (30) years. They are very responsive and proactive when it comes to our beach.

Beach Raker continues to improve their services and to include new services that were not required by our contract. For example, to improve the protection of Sea Turtles, Beach Raker implemented a GPS tracking device at their own expense and partnered with Broward County Conservation and Florida Fish and Wildlife Conservation Commission accurately recording the location of every turtle nest on the Town’s beach. Then in the event that the nest markers are washed away during a storm or high tide, Beach Raker can provide uninterrupted Beach Cleaning Services as they know the exact location of all turtle nests.

All of the innovations and improvements have been incorporated into the Town’s service schedule at no additional cost.

**RECOMMENDATION:** We recommend the Commission award the Beach Cleaning Services contract to Beach Raker and authorize the appropriate Town Officials to execute the Towns standard contract as approved to form by the Town Attorney.

**Exhibits: 1. Beach Cleaning Services Price Proposal Form**

Reviewed by Town Attorney

Yes     No

**Beach Cleaning Services**  
Lauderdale-By-The-Sea RFP No. 14-07-01, RFP Forms

**RFP Form C**

Proposer: W. D. Thompson d/b/a "Beach Raker"

**PRICE PROPOSAL FORM**

Note: Forms A, B & C are available in WORD format from the Town Clerk upon request.

***THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL TO BE DEEMED RESPONSIVE.***

Name of Proposer: W. D. Thompson d/b/a "Beach Raker"

Name of authorized representative of Proposer: Tim Greener

**Project Cost**

<b>Deliverables</b>	<b>Monthly Fee</b>
1. Beach Cleaning Services	\$13,559.00

Instructions: Show the project cost for each deliverable your firm shall provide per the requested scope of work. Include the fees associated with each proposed deliverable.

Fees should be detailed to the extent possible per deliverable, with estimated out-of-pocket expenses separate from the proposed fees for professional services.

The Total Monthly Fee (Project Cost) SHALL include all fees and reimbursements for out of pocket costs. The Town shall not reimburse for any costs not actually incurred and paid for by the Proposer and included in its proposal. Reasonable proof thereof shall be required.

The Total Monthly Fee shall include the cost of:

1. Performing all of the Work required by this RFP on a monthly basis; and
2. Meetings with Town staff or attending Commission meetings upon request throughout the life of the contract (no additional cost to the Town).

Payments shall be made on each deliverable upon receipt and acceptance by the Town.

**Beach Cleaning Services**

Lauderdale-By-The-Sea RFP No. 14-07-01, RFP Forms

Additional Services

The Town may have the need for additional services, such as the removal of debris from the shore line.

Please provide the hourly rate for staff positions and equipment that the contractor has available. The rates for the additional work shall not be used for evaluation of the services required in this RFP.

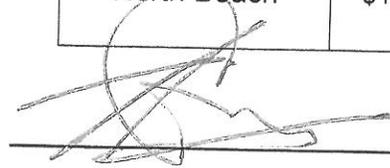
Additional Work	
<u>Title:</u>	<u>Hourly Rate</u>
Equipment required to remove debris during normal cleaning hours.	Included
ASV & Operator to relocate sand	\$200.00**
Tractor, Beach Tiller & Operator	\$200.00**

\*\*Please note this hourly rate is only for work that cannot be completed during our regular contract scope of work hours and service days. If the work requested by the Town can be completed during regular contract hours and service, it is included in the monthly cost and we will not charge the Town for the requested services.

Due to weather conditions, the Town may need additional services on days that they are not scheduled. Please provide the cost for the following services on non-schedule service days. The costs for additional work shall not be used for evaluation of the services required in this RFP.

Area	Mechanical Cleaning	Sanitizing	Beach Screening
South Beach	\$75.00	\$50.00	\$150.00
North Beach	\$100.00	\$75.00	\$200.00

By: \_\_\_\_\_



Date: \_\_\_\_\_

9/29/14

Name: Timothy Greener

Title: Owner

**Item No. 11.a.**

**Beach Cleaning Services**

Lauderdale-By-The-Sea RFP No. 14-07-01, RFP Forms



**Agenda Memorandum**

**Development Services Department**

Department

**Bud Bentley**

ATM & Development Services Director

<b>COMMISSION MEETING DATE: October 14, 2014</b>
--

- |                                       |   |  |                                       |
|---------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input checked="" type="checkbox"/> <b>Consent</b> | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business              | <input type="checkbox"/> New Business |

**SUBJECT TITLE: Special Event Application for Marie White’s “Santa is Coming to Town” Proposed for Saturday, December 13<sup>th</sup>**

**EXPLANATION:** The applicant has submitted the attached special event application (**Exhibit 1**) to hold a Santa greeting on Saturday, December 13, 2014. This is a reoccurring event to be held at the Oceanfront Beach Pavilion from 12:00 p.m. to 3:00 p.m. This event is co-sponsored by Lawrence Wick and the Lauderdale-By-The-Sea Volunteer Fire Department (**VFD**).

The applicant is requesting the use of the Pavilion to provide the opportunity for children of all ages to meet Santa Claus and have their picture taken. The applicant anticipates approximately 200 spectators and 6 volunteers to attend the event. Set up will begin at 10:30 a.m. and tear down will end at 3:30 p.m. The applicant is requesting the Town waive the \$100 special event processing fee for this event and we have included it as Condition No. 1 since the Commission has waived the fee in the past. The applicant is also requesting that the Town waive the \$215 Beach Pavilion in-Town charitable organization rental fee. This is the first year that there would be a Pavilion fee and that is being assessed in accordance with the fee policy the Commission recently adopted for the use of the Pavilion and downtown plazas.

The Police Chief advises that they do not have any law enforcement or traffic/crowd control issues with this event. No off-duty detail deputies are recommended and BSO will implement a directed patrol of the area.

**RECOMMENDATION: We recommend approval of the event with the following conditions:**

1. The \$100 special event application and the \$215 Pavilion Use fees are waived.
2. During the event as needed and at the end of the event, the applicant shall empty the Town’s waste receptacles and recycling bins within the event area.
3. The applicant shall provide approval letter from Aruba Beach Café and The Village Grille for use of their bathroom facilities during the event.
4. The event site shall be organized in a safe manner to protect attendees. All electrical cords and similar materials shall be covered to avoid a trip hazard.
5. Tables, chairs, etc., shall not interfere with pedestrian walkways, ingress or egress.



- 
6. The applicant shall keep the sidewalks next to the event site and within the event site open and clear for pedestrian traffic.
  7. There will be no road closures for this event.
  8. Town parking meters will operate with normal enforcement.
  9. The applicant shall provide written notice to all properties affected by this event by December 1, 2014. The notice and distribution area shall be approved by the Town prior to distribution.
  10. At least thirty (30) days prior to the event, the applicant shall provide a Certificate of Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty (30) days written notice required for cancellation.
  11. In the event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for this event shall expire unless the Town Manager finds there are extenuating circumstances that the event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea or those attending the event without increasing the administration costs of the Town.
  12. The Town Manager may suspend permission for this event due to construction activities, failure of the applicant to comply with the terms and conditions of the Town's event permit, for health or safety issues, or for the best interests of the Town.
  13. Upon showing by the applicant of a valid reason, the Town Manager may approve minor logistical changes that are consistent with the Commission's past policy direction on special events.

**Exhibits:**      1. Special Event Application

Reviewed by Town Attorney

Yes     No



**SPECIAL EVENTS APPLICATION**

This completed application must be submitted 60 days prior to the date of the event together with a \$100 application fee to: Developments Services, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308

This application is available on the Town website at [www.lauderdalebythesea-fl.gov](http://www.lauderdalebythesea-fl.gov). Questions please call: Phone: 954-640-4210 or email [Eleanorn@lbts-fl.gov](mailto:Eleanorn@lbts-fl.gov)

Special events are approved by the Town Commission. The Special Event Permit will state all of the conditions that shall be met for the event to be held. The applicant shall be responsible for securing and paying for all licenses, and permits required by any governmental agency having jurisdiction, providing the Town evidence of all required insurances, and providing evidence of organization and/or charity.

- Name of event: Marie White's "Santa is Coming to Town"
- Day and date of event: Sat. Dec 13, 2014 New event  Returning event
- Location where event will be held: Beach pavil. at end of Commercial Blvd.
- Description of Event: Event for Children
- Name and address of sponsor or hosting organization Marie White,  
Lawrence "Peanuts" Wick 4906 N. OCEAN Blvd Apt 1105 LBTS  
LBTS Volunteer Fire department
- Name(s) of local contact person(s) who will be present each day of the event:  
~~200-300~~ Lawrence "Peanuts" Wick'  
Mailing address: Same as above  
Daytime phone#: — Evening phone#: — Mobile phone#: 954-290-1555  
Email: retirednot@aol.com Fax#: —
- What is the actual beginning and ending time of the event? 12 PM - 3 PM  
Start of set-up time? 10:30 AM End of tear-down time? 3 PM
- What type of audience is the event planned for? Children of all Ages
- How many participants do you anticipate? 200-300 spectators? — adult volunteers? 6
- Are there fees for the participants or spectators? NO Will fees be collected on-site? NO

please ask commission to return the \$100 deposit



**DETAILED SITE PLAN (required)**

11. A detailed site plan must be included with the application. Draw a plan on page 6 or attach separately to this application. Identify any street closures or public parking areas affected. Briefly describe the proposed route for parades, runs, walks, etc and include route on detailed site plan.

OK

**STREET CLOSURES**

12. Are you requesting that any public streets be closed for the event? Yes \_\_\_\_\_ No ✓

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

**TRAFFIC CONTROL/BARRICADES**

A traffic control contractor may be required for events which require barricades or traffic control signage.

13. Please list your traffic control contractor, if applicable: NONE

**VEHICLE LOADING/UNLOADING**

14. Are you requesting that vehicles be permitted to load/unload in non-metered areas? yes

If yes, please indicate the location and times loading and unloading would occur: END of Commercial under pavilion

**PARKING**

Include detailed site plan indicating how on and off street parking will be accommodated. Information on signage must include location, colors, size and number of signs. Indicate signage to be placed in any right of way that directs traffic to the event and their approximate size. If you are requesting that vehicles be permitted to drive or park on Town property, please indicate the type(s) of vehicles, the locations, and times they would be parked. Applicant shall be responsible for restoration of any damage to Town property

None

15. Are you requesting use of Town parking meter spaces for the event? Yes \_\_\_\_\_ No ✓

If yes, provide the meter numbers on the site plan and purpose for which they will be used.

Unless the parking meter fees are waived by the Town Commission, all fees must be paid at the beginning of the month of the event.

**SIGNAGE**

Will signs be erected for the event? Yes  No  Number of signs 20 Size 1 sq.ft.  
Location of signs IN STORES

Locate signs on detailed site plan. NONE

**OFF DUTY POLICE/CODE COMPLIANCE OFFICERS**

Off duty police officers are required for street closures, events with alcohol, or large crowds, as determined by the Sheriff's Department. Applicant is responsible for additional code compliance officers to ensure compliance with Town codes.

16. Do you anticipate hiring off duty police/code compliance officers for your event? Yes  No

**ANIMALS**

17. Any exhibition or similar undertaking in which animals are required to participate in performances for the amusement or entertainment of an audience is subject to Town Commission approval. Are animals included in your event? Yes  No

**SOUND SYSTEMS**

18. Request to use amplified sound on public property-the following is requested:  
NONE  
 Amplified sound/speaker system  Live music  Recorded music

**CLEAN UP AND TRASH REMOVAL**

Clean up of the event area immediately following the event, including trash removal, is the responsibility of the applicant.

19. Please name the contractor or organization, including phone number who is responsible for:

Clean up of the event site: Lawrence "Peanuts" Wick

Removal of trash from the event site: Aruba Beach Cafe

**TOWN UTILITIES**

Electrical power and/or water supply is the responsibility of the applicant. A fee is required, paid in advance, to use Town utilities. Indicate generators and fuel storage locations on the detailed site plan.

20. Will the event require the following on public property?  
 Electrical power-Describe use: NO  
 Water - Describe use: NO

**VEHICLES ON PARK GROUNDS**

# Item No. 11.b.

## The Town of Lauderdale-By-The-Sea Special Event Application

21. Vehicles are not allowed to drive or park randomly on the turf of Town property or park grounds due to extensive underground irrigation systems that sustain damage when vehicles drive across them.

### RESTROOMS (refer to item #9)

22. Will additional restroom facilities be brought to the event site? NO If yes, how many? \_\_\_\_\_ *BATHROOMS PROVIDED BY VILLAS + GRILLE ARUBA BEACH CAFE LETTERS TO FOLLOW*

A Broward County permit is required for portable toilets. The number of portable toilets required for events with fewer than 1500 participants is as follows; 1 toilet per 75 males, 1 per 75 females. Ratio of male to female is 50/50. Separate male and female handicap accessible restrooms are required. Business locations that exceed the required # of restroom facilities may count the extra facilities toward calculating the total number required. For additional information, please contact the Building Department at 954-640-4215.

### TENTS/CANOPIES/STAGES

Tents, canopies (larger than 120 sq.ft. or multiple tents without separation) and stages require a Broward County Permit, contact Broward County.

23. Please indicate if any of the following will be assembled at the event and locate on the site plan.

*NO*  Tent (size:     x    )  Canopy (size     x    )  Stages  Bleachers

The use of tents requires a review by the LBTS Fire Marshal, with approval labels attached to the tents and canopies. Tents are generally defined as temporary structures having two or more sidewalls or drops. Rental agencies must provide documentation of the flame spread labeling for submittal with application. Stages and bleachers must include product approvals that are supplied by the manufacturer.

### FIREWORKS (Fireworks require a separate permit approval process and application)

24. Are you requesting approval to discharge fireworks at the event? Yes  No

### FOOD

25. Will food be served at the event? Yes  No  If yes, is the food provided:

Free of charge  Available for purchase NO Non-Profit  For profit

Please list the types of food you are serving: COOKIES & JUICE

Cooking Equipment: Fryers?  Charcoal Grills?  Propane Grills?  Concession trailers?

Open fires?  Warmers?  Sterno?  Smokers?  Hoods?  Refrigerators?

Are you requesting approval to offer other items for sale at the event? Yes  No

List other items \_\_\_\_\_

### EVENT CONTRACTOR

26. Please name your event contractor, if applicable: LAWRENCE "PEANUTS" WICK

### ALCOHOL

27. Are you requesting that alcohol be served or sold at the event? NO  
If yes, please provide copy of appropriate State license.

**PERMISSION OF THE PROPERTY OWNER**

28. An event held on property that is not owned by the applicant requires the permission of the property owner. Include a notarized affidavit in the permit submittal including the beginning and ending dates.

**RIDES** (rides may require a State of Florida inspection)

29. Are rides to be included in the event? Yes \_\_\_\_\_ No ✓

Types: Mechanical/Electrical \_\_\_\_\_ Inflatable (bounce house etc.) \_\_\_\_\_ Manual (slides, trampolines) \_\_\_\_\_

Include a copy of the contract(s) with any provider of rides, mechanical devices and amusements.

**FIREWATCH**

30. If determined in the review of the application, the applicant must provide for a fire watch and/or an EMS Crew during the event. Large events or those using combustible materials may require qualified stand-by personnel and the appropriate equipment.

**LICENSES**

31. Copies of State and County licenses for vendors and contractors, as required.

*Insurance to be*

**INDEMNIFICATION**

*provided by LBTS Volunteer Fire Depart  
Letter to follow*

32. Applicant shall indemnify, defend and hold harmless the Town, its officers, agents and employees, from and against any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising directly or indirectly from this Special Event and resulting or accruing from any intentional act or any negligent act, omission or error of Applicant which in turn results in or relates to injuries to body, life, limb or property sustained in, about or upon the Special Event Area, and arising from the use of the Town property.

Applicant shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the Town as a result of any claim, suit or cause of action accruing or in any way arising out of this Special Event Application for injuries to body, life, limb or property as set forth above.

Applicant shall save the Town harmless from and against all judgments, orders, decrees, attorneys' fees, costs, expenses and liabilities incurred in and about any claim, and the investigation or defense of them, which maybe entered, incurred or assessed as result of the foregoing.

**STATEMENT OF BENEFIT**

33. If the applicant is seeking sponsorship/co-sponsorship from the Town of Lauderdale-by-the-Sea, a Statement of Benefit is required by Town Code and must be submitted with application.

Insurance Certificates or Binders establishing proof of coverage of general liability insurance listing the Town of Lauderdale-By-The-Sea as additionally insured must be provided for permit to be issued. An approved form of a certificate of liability insurance must be received 30 days prior to the event date.

By signing this event application, the petitioner agrees to all terms, conditions, and indemnification in this application, and understands that this application is not permission to violate any laws, ordinances or statutes. The Sheriff's Department has the authority, in the interest of the public welfare, safety, or order to terminate the event without notice. Additions and/or revisions to this application shall be submitted in writing.

The Applicant shall keep safety inspection and financial records of the event sufficient to document all revenues generated by the event. These records shall be open for audit by the Town in the event the Town acts as sponsor or co-sponsor of the event.

Lawrence Wick  
Applicant's Signature (required)

9/30/2014  
Date

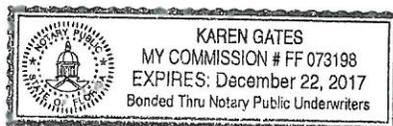
Lawrence Peards Wick  
Applicant's Printed Name and Title/Organization

954-290-1555  
Telephone Number

STATE OF FLORIDA:  
COUNTY OF BROWARD:

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

My Commission Expires:



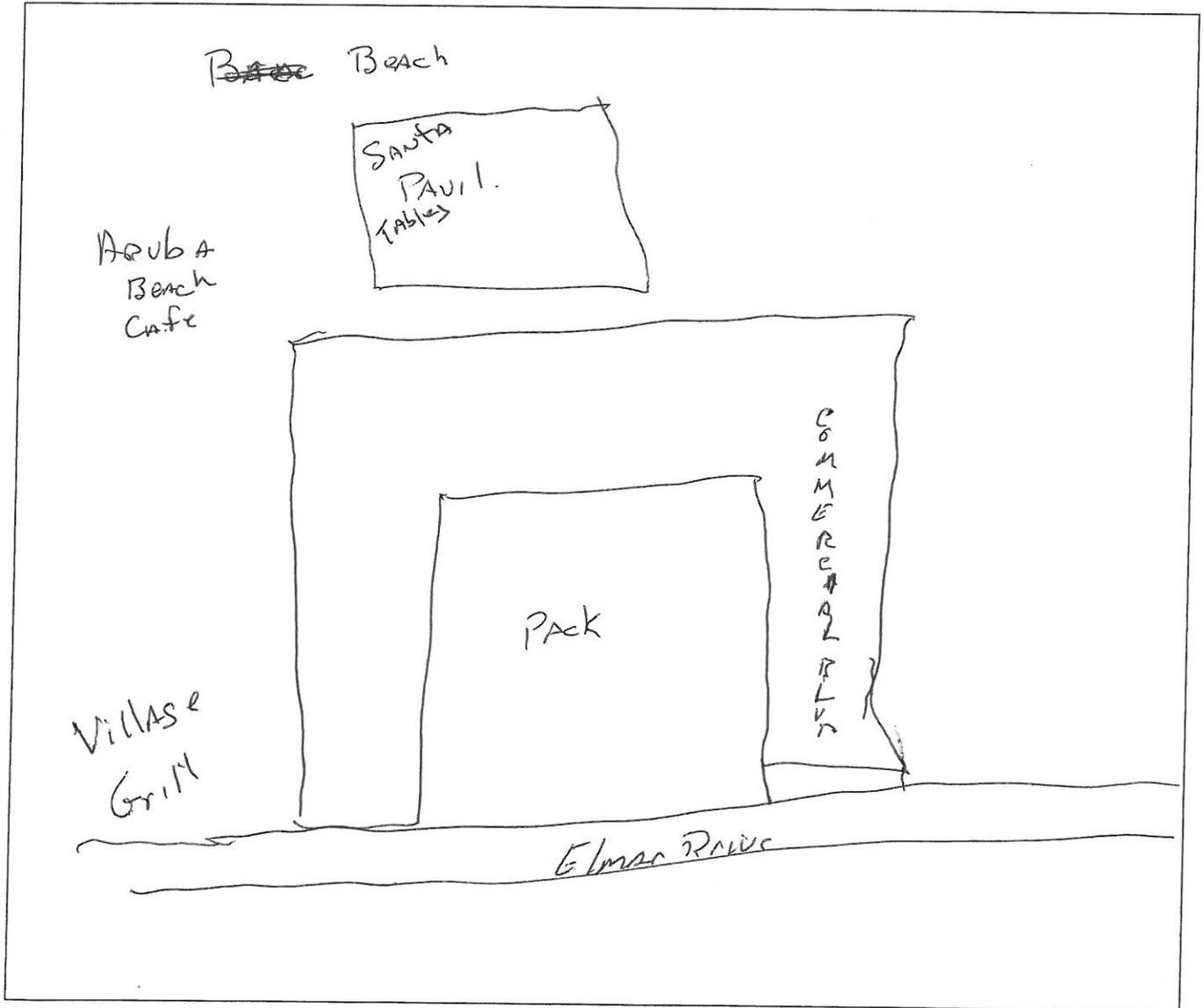
Karen Gates  
Notary Public, State of Florida

**DETAILED SITE PLAN**

A detailed map of the event site **MUST** be drawn here or attached to this application.

The following must be identified and labeled:

1. The site of the event (label streets, etc.)
2. Routes for races, parades, etc. →→→
3. Fencing (if known) X—X—X
4. First aid facilities +
5. Restroom facilities (incl. portable)
6. Parking (location and number of spaces)
6. Canopies, tents, stages
7. Alcohol serving/consuming areas
8. Barricades (if known)
9. Off duty police officers (if known)
10. Rides and Amusements
12. Signs (location, size, color and wording)



**SITE PLAN DETAILS**

Site plans often do not include details that are necessary to issue a permit and delays are caused by rejections of initial applications. The following details are intended to be a guide to assist you in developing a site plan. A current survey of the property is most helpful. If a survey is not available a drawing depicting the area of the event should include these details, as necessary. More than a one page site plan may be included in your application if details of specific areas are important to your event.

- Cooking Areas (cooking areas may need to be separated from public areas with fences or barricades)
- Canopy locations (include the use, such as shelter or vending and the size of the canopy)
- Tent locations (sales, food service, etc. Large tents will require illuminated exit signs and fire extinguishers)
- Fuel Storage and dispensing areas
- Vendor locations (booths or tables and approximate size)
- Fire lanes (emergency access for fire equipment and EMS)
- Trailers on site (sleeping facilities, service trailers, displays, etc.)
- Hazards at the site (ditches, construction areas, obstructions to pedestrian traffic, bodies of water)
- Fire Extinguishers
- Generators
- EMS stand-by or Fire watch areas (include first aid stations)
- Fences barriers and gates
- Locate electrical equipment, permanent and temporary (temporary electrical installation will be to code)
- Rides, demonstrations, performance areas and stages
- Traffic routing and road closures
- Parking areas
- Trash receptacles
- Smoking and No Smoking areas
- Dimensions (to determine if available site will support all of the proposed activities)
- Pedestrian walkways
- Fences and gates
- Ticket Kiosks
- Access Control points
- Signage



**Agenda Item Memorandum**

**Administration**

**Pat Himelberger, Asst to the TM**

Department

<b>COMMISSION MEETING DATE - 7:00 PM</b>
<input checked="" type="checkbox"/> October 14, 2014– Regular Meeting 7:00 PM

**\*Subject to Change**

- |                                       |   |   |                                       |
|---------------------------------------|---|---|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business       | <input type="checkbox"/> New Business |

**FY2013 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE:** Special Event Permit Application for Christmas By The Sea

**EXPLANATION:** The annual Christmas By The Sea celebration is scheduled for Wednesday, December 3, 2014 from 5:30pm- 9:30pm.

Christmas By The Sea will be a 4 hour event which includes the lighting of the Christmas Tree at 6:30pm after the arrival of Santa. This year’s site plan encompasses the entire two block area of Anglin’s Square from A1A to the pavilion as well as east and west of the circle on El Mar. Several local businesses and non-profit organizations have already signed up as vendors for the Christmas Market. LBTS non-profit organizations or civic associations will assist in overseeing various children’s activities. Outside vendors have been invited to provide holiday or seaside related items for sale in the yuletide market as space permits.

A Windows by the Sea holiday window decorating contest will be held with the local businesses located west of A1A on Commercial Boulevard to the bridge. The goal is to encourage visitors to walk up and down the boulevard to see the unique windows thus encouraging future visits. The windows will be judged prior to Christmas By The Sea and the winner announced at the event.

Santa will arrive on a Fire Truck. The entire event is centered around holiday entertainment with a children’s choir, Yule tide carolers, dancers and fun activities for the children such as letters to Santa, games, cookie and ornament decorating. We have enlisted Danny Carter of the LBTS Center for the Arts and Dance Moves to arrange for the entertainment and oversee the night’s production.

This year we have offered sponsorship opportunities and both Minto Communities and Florida Development Group have come on board as premier Snowflake Sponsors to defray expenses and extend the sound and stage capabilities. Aruba Beach Café will sponsor Santa’s Village, oversee the set up and take down for Santa’s appearance. The VFD will coordinate Santa’s arrival on the decorated fire truck. The Town is providing the entertainment, overseeing volunteer recruitment and assignments, vendor and event activity booths, set up and clean up, BSO off-duty personnel and operating the snow machines. The Town has budgeted for Christmas By The Sea event in the Recreation Budget.

**RECOMMENDATION:** We recommend approval of the event with the following conditions:

1. The Police Chief shall specify the number of BSO detail officers needed for traffic, crowd control. The BSO Lauderdale-By-The-Sea District’s primary function will be to provide traffic control and event security/crowd control. BSO will draft and operational plan to address these functions, to include fire rescue and emergency medical services.
2. The Town shall ensure provision of (5point ABC class) fire extinguisher at all food warming areas.
3. Fire Marshal shall inspect and approve the event layout prior to opening.

- 
4. Four(4) female and four(4) male bathroom facilities are required for the anticipated for the estimated 500 (500) attendees. The total shall include one(1) male and one(1) female handicap accessible facilities. In lieu of providing all temporary bathroom facilities, the Town may provide documentation from businesses near the event site that the public may use their facilities.
  5. The Town will provide adequate solid waste and recycling containers for the public areas of the event.
  6. Road Closings and Parking:
    - a. Commercial from A1A to the beach at 11 am and El Mar Drive from Datura Ave to the first turn around north of Commercial Blvd. to be closed at 1 pm to allow for event setup to begin by 1 pm.
    - b. Parking is allowed on the inside lanes of El Mar Drive north of El Prado and South of Datura Ave. Town shall put up and remove "No Parking on Grass" signs along El Mar Drive. Valets will be permitted to utilize the parking on El Mar from the first turn north of Commercial Blvd. to El Prado and from the street closure south of Commercial Blvd. to Datura.
    - c. Parking spaces within the event site will be closed by the Town.
    - d. The El Mar Parking lot may be used by the event at no charge.
    - e. The event area shall be delineated with proper barriers at Commercial/A1A and at each end of the event to clearly identify the event area. The barriers shall be removed no later than 11 pm.
  7. If any of the food vendors in the Christmas Village will be using gas grills or other gas equipment, the Fire Marshall will provide those organizations with safety regulations prior to the event. Any electric cords from vendors or non-profit organizations must be covered so as to not pose a trip hazard.
  8. The stage and all canopy tents shall be removed by no later than 11 pm on Wednesday.
  9. The sale of alcohol will be reserved to the local establishments within the two block area. Alcohol will not be sold on the street.
  10. The Town Manager may approve logistical changes as necessary.

**EXHIBITS:** Special Event Application

Reviewed by Town Attorney

Yes     No

**SPECIAL EVENT APPLICATION**



This completed application must be submitted *at least* 60 days prior to the date of the event together with a \$100 application fee to:

**Developments Services Director  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308**

This application is available on the Town website at [www.lbts-fl.gov](http://www.lbts-fl.gov).

Questions? Call: Phone: 954-640-4210 or email [ATM@lbts-fl.gov](mailto:ATM@lbts-fl.gov)

Special events must be approved by the Town Commission before an event is advertised to the public.

The link to the Town Code is: <http://library.municode.com/index.aspx?clientID=14833&stateID=9&statename=Florida> and then click Chapter 17, Article VIII, Special Events.

The Special Event Permit will state all of the conditions for the event. The applicant shall be responsible for securing and paying for all licenses, and permits required by any governmental agency having jurisdiction, providing the Town evidence of all required insurances, and providing evidence of organization and/or charity.

1. Name of event: Christmas By The Sea
2. Day(s) and date(s) of event: Dec. 3, 2014  
New event \_\_\_ Returning event X
3. Description of Event: Christmas Tree Lighting, Yuletide Market Booths & Food Vendors, Entertainment, Santa, Children's Activities
4. What type of audience is the event planned for? Families
5. Proposed location of the event: Two block area of Anglin's Square - A1A/Commercial Blvd. - Pavilion/El Mar Drive
6. Name and address of sponsor or hosting organization: Town of Lauderdale-By-The-Sea
7. Name of person representing the applicant: Pat Himelberger  
Mailing address: 4501 N Ocean Drive  
Daytime phone: 954-640-4205 Evening phone: Mobile phone: 954-253-7443  
Email: Path@lbts-fl.gov Fax:
8. Name(s) of local contact person(s) who will be present each day of the event: Same as above  
Mailing address:  
Daytime phone: Evening phone: Mobile phone:  
Email: Fax#:
9. What is the actual beginning and ending time of the event?  
Start of set-up: 1 pm  
Start time of the event: 5:30pm  
End time of the event: 9:30pm  
End of tear-down: 11:00pm
10. How many participants do you anticipate? 100 spectators? 500 adult volunteers? 30
11. Are there fees for the participants or spectators? Vendor fees Provide details. Fees collected prior to event.  
Will fees be collected on-site? No

**12. DETAILED SITE PLAN (required)**

A detailed site plan must be included with the application. Draw a plan on page 6 or attach separately to this application. Identify any street closures or public parking areas affected. Briefly describe the proposed route for parades, runs, walks, etc and include route on detailed site plan.

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**13. STREET CLOSURES**

Are you requesting that any public streets be closed for the event? Yes  X  No \_\_\_\_\_

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

Commercial Blvd. from A1A to the beach at 11:00 am and El Mar Drive from Datura Ave. to the first turn north of Commercial Blvd. to be closed at 1 pm.

**14. TRAFFIC CONTROL/BARRICADES.** A traffic control contractor may be required for events which require barricades or traffic control signage.

Please list your traffic control contractor, if applicable: LBTS Municipal Services & BSO will coordinate traffic control.

**15. VEHICLE LOADING/UNLOADING**

Are you requesting that vehicles be permitted to load/unload in non-metered areas?  Yes

If yes, please indicate the location and times loading and unloading would occur: Within the event area between 1pm & 4:30pm

Vehicles are not allowed to drive or park on Town property or park grounds due to damage to underground irrigation systems and to the sod. If you are requesting that vehicles be permitted to drive or park on Town property, please indicate the type(s) of vehicles, the locations, and times they would be parked. Applicant shall be responsible for restoration of any damage to Town property.

**16. PARKING**

Include detailed site plan indicating how on and off street parking will be accommodated. Information on signage must include location, colors, size and number of signs. Indicate signage to be placed in any right of way that directs traffic to the event and their approximate size.

Parking is allowed on the inside lanes of El Mar Drive, north of El Prado and south of Datura Ave. The Town shall put up No Parking on Grass signs along El Mar Drive. The El Mar Parking lot may be used by the event at no charge. Proper barriers at Commercial Blvd. and A1A and at each end of the event to identify the event areas will be removed no later than 11 pm. Valets will use the parking from El Prado to Datura on El Mar.

Are you requesting the reservation of any Town parking -  No

If yes, provide the meter numbers on the site plan and purpose for which they will be used.

All parking meter fees are paid 30 days prior to the event.

**17. SIGNAGE**

Are you requesting permission to erect for the event? Yes X No  
       Number of signs   3   Size   TBD   sq.ft.  
Location of signs   El Prado Park, Pavilion, Town Hall  

Locate signs on detailed site plan or attached a separate sheet.

**18. OFF DUTY POLICE/CODE COMPLIANCE OFFICERS**

Off duty police officers are required for street closures, events with alcohol, or large crowds, as determined by the Sheriff's Department. Applicant is responsible for additional code compliance officers to ensure compliance with Town codes.

Do you anticipate hiring off duty police/code compliance officers for your event? Yes        No         
BSO to supply at no extra charge to Town.

**19. ANIMALS**

Any exhibition or similar undertaking in which animals are required to participate in performances for the amusement or entertainment of an audience is subject to Town Commission approval. Are animals included in your event? Yes        No   x  

**20. SOUND SYSTEMS**

Request to use amplified sound on public property-the following is requested:

  x   Amplified sound/speaker system  
  x   Live music  
  x   Recorded music

Provide details of time and location of amplified music. The music will be located on the stage at the crosswalk of A1A & Commercial Blvd. from 5:30pm-9:30pm.

**21. CLEAN-UP AND TRASH REMOVAL.** Clean-up of the event area during the event and immediately following the event, including trash removal, is the responsibility of the applicant.

Name the contractor or organization, including phone number who is responsible for:

Clean-up of the event site:   Town  

Removal of trash from the event site:   Town  

**22. TOWN UTILITIES.** Electrical power and/or water supply is the responsibility of the applicant. A fee is required, paid in advance, to use Town utilities. Indicate generators and fuel storage locations on the detailed site plan.

Will the event require the following on public property?

  x   Electrical power-Describe use:   Booth lighting, music  

       Water – Describe use:       

**23. RESTROOMS** (show on site plan)

Will additional restroom facilities be brought to the event site? yes

If yes, how many?   8   and show locate on your site

plan.

A building permit is required for portable toilets. The number of portable toilets depends on the length and type of events.

Local businesses that have more than the required number of restroom facilities that allow their facilities to be used may count towards the extra restroom facilities required.

24. **TENTS/CANOPIES/STAGES** Tents, canopies larger than 120 sq.ft., multiple canopies without separation, and stages require a building permit.

Indicate if any of the following will be assembled at the event and locate on the site plan.

\_\_\_ Tent (size: \_\_\_\_\_) \_\_\_x\_\_\_ Canopy (size\_10x10\_\_\_) \_\_\_1\_\_\_ Stages \_\_\_ Bleachers

The use of tents requires a review by the LBTS Fire Marshal, with approval labels attached to the tents and canopies. Tents are generally defined as temporary structures having two or more sidewalls or drops. Rental agencies must provide documentation of the flame spread labeling for submittal with application. Stages and bleachers must include product approvals that are supplied by the manufacturer.

25. **FIREWORKS** (Fireworks require a separate permit approval process and application)

Are you requesting approval to discharge fireworks at the event? Yes \_\_\_\_\_ No x\_\_\_\_\_

26. **FOOD**

Will food be served at the event? Yes x\_\_\_\_\_ No \_\_\_\_\_

If yes, is the food provided by a Non-Profit x\_\_\_\_\_ or For profit x\_\_\_\_\_ organization? Is the food Free of charge x\_\_\_\_\_ Available for purchase x\_\_\_\_\_

Please list the types of food you are serving: TBD

Will any of the following types of cooking equipment be used on site: Fryers? \_\_\_\_\_ Charcoal Grills? \_\_\_\_\_ Propane Grills? \_\_\_\_\_ Concession trailers? \_\_\_\_\_ Open fires? \_\_\_\_\_ Warmers? x\_\_\_\_\_ Sterno? x\_\_\_\_\_ Smokers? \_\_\_\_\_ Hoods? \_\_\_\_\_ Refrigerators? \_\_\_\_\_

27. **Sale of Merchandise.**

Are you requesting approval to offer other items for sale at the event? Yes x\_\_\_\_\_ No \_\_\_\_\_

List items for sale: Holiday or seaside related items

28. **EVENT CONTRACTOR**

Please provide the contact information of your event contractor, if applicable: N/A

29. **ALCOHOL**

Are you proposing alcohol to be served or sold at the event? No - Local restaurants may sell from their establishments.

If yes, please provide copy of appropriate State license.

Provide details of time, location and who will be selling / providing the alcohol.

30. **PERMISSION OF THE PROPERTY OWNER**

An event held on property that is not owned by the applicant requires the permission of the property owner. Include a notarized affidavit in the permit submittal including the beginning and ending dates.

31. **RIDES** (rides may require a State of Florida inspection)

Are rides to be included in the event? Yes \_\_\_\_\_ No   x  

Types: Mechanical/Electrical \_\_\_\_\_ Inflatable (bounce house etc.) \_\_\_\_\_ Manual (slides, trampolines)  
\_\_\_\_\_

Copies of contracts with any provider of rides, mechanical devices and amusements shall be submitted to the Town at least 30-days prior to the event.

32. **FIRE WATCH or EMS onsite**

If required by the Fire Marshall, the applicant shall for a fire watch and/or an EMS Crew during the event. Large events or those using combustibile materials may require qualified stand-by personnel and the appropriate equipment, the cost of which is the responsibility of the applicant.

33. **LICENSES**

Please list the vendors and contractors that will be on site at the event. Copies of State and County licenses for all vendors and contractors shall be filed with the Town 30-days in advance of the event.

34. **INDEMNIFICATION**

Applicant shall indemnify, defend and hold harmless the Town, its officers, agents and employees, from and against any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising directly or indirectly from this Special Event and resulting or accruing from any intentional act or any negligent act, omission or error of Applicant which in turn results in or relates to injuries to body, life, limb or property sustained in, about or upon the Special Event Area, and arising from the use of the Town property.

Applicant shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the Town as a result of any claim, suit or cause of action accruing or in any way arising out of this Special Event Application for injuries to body, life, limb or property as set forth above.

Applicant shall save the Town harmless from and against all judgments, orders, decrees, attorneys' fees, costs, expenses and liabilities incurred in and about any claim, and the investigation or defense of them, which maybe entered, incurred or assessed as result of the foregoing.

35. **INSURANCE.** Insurance requirements differ depending on the type of event and if alcohol is served.

For events not serving alcohol and without fireworks, the Applicants shall provide a Certificate of Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty days written notice required for cancellation.

An approved form of a certificate of liability insurance shall be provided the Town at least 30 days prior to the event date.

**36. STATEMENT OF BENEFIT**

If the applicant is seeking sponsorship/co-sponsorship from the Town of Lauderdale-By-The-Sea, a Statement of Benefit is required by Town Code and shall be included here or attached to this application. If the Town is a sponsor or co-sponsor of the event, the Applicant shall keep financial records of the event sufficient to document all revenues and expenditures. These records shall be available at reasonable time within Broward County for inspection by the Town.

Statement of Benefit

Town Sponsored Event

**37. DEADLINE TO SUBMIT REQUIRED DOCUMENTS**

All required documents shall be provided not later than 30-days prior to the event date.

Approval for this event shall expire without future action of the Town if all documents such as insurance certificates, health and liquor licenses, BSO police detail contract(s), MOT Plan, Solid Waste Plan and other material requirements are not submitted at least 30-days prior to the event.

**38. EVENT CONDITIONS**

If the event is approved by the Commission, they will establish the event conditions that the application shall abide by during the event.

Standard Conditions shall include, but are not limited to the following:

- a The Police Chief shall specify the number of BSO detail officers needed for traffic and crowd control. The Applicants shall contract with BSO Detail Office for the detail BSO deputies within ten (10) days of receiving event approval.
- b The Police Chief shall approve the Applicant's Maintenance of Traffic Plan (MOT), if one is required.
- c Permission for this event may be suspended or modified by the Commission.
- d The Applicants shall submit a solid waste and recycling plan for approval at least 30-days prior to the event to the Municipal Services Director. During the event as needed and at the end of the event, the Applicant shall empty the Town's waste receptacles and recycling bins within the event area and within 100 feet of the event area.
- e The event sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. All music shall end promptly at 9:30 pm.
- f Parking: See #16 above
- g Town staff will notify all properties within the event area prior to November 21, 2014.
- h The Town Manager may suspend permission for this event due to failure of the Applicants to comply with the terms and conditions of the Town's event permit, for health or safety issues, or for the best interests of the Town.

***Applicant's Certification***

By signing this event application, the petitioner agrees to all terms, conditions, and indemnification in this application, and understands that this application or the approval of this event application by the Town Commission does not grant any permission to violate any laws, ordinances or statutes.

Additions and/or revisions to this application shall be submitted in writing.

*I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.*

\_\_\_\_\_  
Applicant's Signature (required)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Printed Name and Title/Organization

\_\_\_\_\_  
Telephone Number

STATE OF FLORIDA:  
COUNTY OF BROWARD:

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

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Florida

**DETAILED SITE PLAN**

A detailed map of the event site **MUST** be drawn here or attached to this application.

The following must be identified and labeled:

- 1. The site of the event (label streets, etc.)
- 2. Routes for races, parades, etc. →→→
- 3. Fencing (if known) X—X—X
- 4. First aid facilities +
- 5. Restroom facilities (incl. portable)
- 6. Parking (location and number of spaces)
- 6. Canopies, tents, stages
- 7. Alcohol serving/consuming areas
- 8. Barricades (if known)
- 9. Off duty police officers (if known)
- 10. Rides and Amusements
- 12. Signs (location, size, color and wording)

See Attached.

**SITE PLAN DETAILS**

Site plans often do not include details that are necessary to issue a permit and delays are caused by rejections of initial applications. The following details are intended to be a guide to assist you in developing a site plan. A current survey of the property is most helpful. If a survey is not available a drawing depicting the area of the event should include these details, as necessary. More than a one page site plan may be included in your application if details of specific areas are important to your event.

Cooking Areas (cooking areas may need to be separated from public areas with fences or barricades)  
Canopy locations (include the use, such as shelter or vending and the size of the canopy)  
Tent locations (sales, food service, etc. Large tents will require illuminated exit signs and fire extinguishers)  
Fuel Storage and dispensing areas  
Vendor locations (booths or tables and approximate size)  
Fire lanes (emergency access for fire equipment and EMS)  
Trailers on site (sleeping facilities, service trailers, displays, etc.)  
Hazards at the site (ditches, construction areas, obstructions to pedestrian traffic, bodies of water)  
Fire Extinguishers  
Generators  
EMS stand-by or Fire watch areas (include first aid stations)  
Fences barriers and gates  
Locate electrical equipment, permanent and temporary (temporary electrical installation will be to code)  
Rides, demonstrations, performance areas and stages  
Traffic routing and road closures  
Parking areas  
Trash receptacles  
Smoking and No Smoking areas  
Dimensions (to determine if available site will support all of the proposed activities)  
Pedestrian walkways  
Fences and gates  
Ticket Kiosks  
Access Control points  
Signage



**Agenda Item Memorandum**

**Development Services**

Department

**Linda Connors**

Town Planner/Asst. Development Services Director

**COMMISSION MEETING:** September 23, 2014 – 7:00 PM

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

**FY2014 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: Setback Variance Application for 1941 West Terra Mar Drive: Requesting Relief from the Broward County (Annexed Area) Code to Permit a Rear Setback of 5’ Where 15’ is Required.**

**EXPLANATION:** At the October 1, 2014 meeting, the Board of Adjustment (BOA) recommended denial of an application from Truong and Lilianne Duong, property owner of 1941 West Terra Mar Drive to provide relief from Section 39-287 of the Broward County zoning code. The subject property was annexed into the Town from Broward County; therefore, the property is subject to the requirement of the Broward County Zoning Code in effect at the time of annexation (2001) until the annexed area is rezoned. The BOA staff report (**Exhibit 1**), the BOA draft minutes (**Exhibit 2**) and the Variance Development Orders (**Exhibit 3,4**) are attached.

The current property owner is interested in building a new two-story single family residence. The subject lot is 7,841 square feet, and the proposed building footprint is 3,496 square feet. The total square footage for the proposed home is 5,645, excluding covered patios. The plans also include a pool and an outside kitchen.

On August 20, 2013, staff responded to a request for setback information from the property owner’s architect, Eric Mills. The information that we sent had a typographical error and instead of stating the rear set back requirement was 15’, the zoning information stated that the rear setback requirement was 5’. Staff learned of our mistake and sent the corrected information to the architect when they contacted us in March 2014. The document that included the typographical error has since been corrected.

The Town Code, which is supported under case law, states “No act or omission by a Town employee or its contractors in the interpretation or administration of the ULDR is binding if the act or omission results in an incorrect interpretation or application of the ULDR.” (Town Code Section 30-7(b)).

Town staff lacks the authority to vary or amend the requirements of the Code – only the Town Commission can amend the Code or approve a variation to the legal requirements and only through the procedures provided in the Code – such as, in this case, consideration of a setback variance. The applicant is required to meet the hardship test for a variance and the application should be evaluated considering the established criteria rather than the previous communications between staff and the architect.

**October 14, 2014 Meeting**  
**Page 2**

Section 30-127 of the Town code provides that a variance application shall be evaluated by considering seven hardship criteria. Staff reviewed the application and determined that the criteria had not been met and recommended denial of the application. The analysis of the criteria is included in the Board of Adjustment staff report (**Exhibit 1**).

Staff received two telephone calls from the public in advance of the Board meeting from property owners located at 1921 and 1961 West Terra Mar Drive. Both property owners were in opposition to the request. At the Board meeting, the tenant living at 1921 Terra Mar Drive stated that they were in the process of purchasing the property and they were in support of the request.

**BOARD RECOMMENDATION:** The Board of Adjustment voted 3-0 to deny the variance request. However, if the Commission supports the request they suggested the following conditions:

1. Failure of the applicant to secure a building permit that meets all zoning requirements, excluding the rear setback, for the new construction within 180 days of the approval of the variance development order shall terminate the variance without any action.
2. Town Manager may approve one (1) extension of up to 90-days to the permit deadline if she determines that sufficient progress is being made toward securing development approvals.
3. All applicable state and federal permits must be obtained before commencement of the development.

**RECOMMENDATION:** Staff recommends that the Commission approve the Board of Adjustment's recommendation to deny the applicant's request as set forth in the Denial Development Order (**Exhibit 3**).

If the Commission decides to support the request, the Approval Development Order (**Exhibit 4**) should be utilized.

**EXHIBITS:** 1 – BOA Staff Report

2 – Board of Adjustment meeting minutes October 1, 2014

3 – Development Order – DENIAL OF REQUEST

4 – Development Order – APPROVAL OF REQUEST

Reviewed by Town Attorney

Yes     No



**Town of Lauderdale-By-The-Sea**  
Development Services

To: Board of Adjustment  
Thru: Bud Bentley, Assistant Town Manager  
From: Juliana Cardona, Planning Technician  
Date: September 26, 2014  
Meeting Date: October 1, 2014  
Re: Case Number 2014-V-02: Truong and Lilianne Duong (applicants)/ Variance Request Application to allow an encroachment into the rear setback for the property located at 1941 W. Terra Mar Drive (RS-4 Broward County Zoning District).

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**STAFF REPORT**

The purpose of this memorandum is to provide findings and recommendations regarding the zoning variance application submitted for the property located at 1941 West Terra Mar Drive. The existing property was annexed into the Town; therefore, the property is subject to the requirements of the Broward County Zoning Code in effect at the time of annexation (2001) until the annexed area is rezoned. It is zoned RS-4 by Broward County Code.

The applicants Truong and Lilianne Duong, are planning to construct a single-family home on site, and they are requesting relief from the requirements of Section 39-287 of Broward County Zoning Regulations to encroach into the rear setback. For your information, a copy of the applicable code section is attached as **Exhibit 1**.

While reviewing the plans, staff noted that additional variances would need to be approved for the site to be developed as proposed in the submitted plans. Staff contacted the applicant and gave the option of amending the application and rescheduling for the November Board meeting, but the applicant advised that wanted to proceed with this variance application for the rear setback and would amend the plans as necessary to meet the other requirements of the code.

The applicant has paid the appropriate fee and submitted the required documents. Staff reviewed the application and deemed it complete (**Exhibit 2**). Notice to all property owners within 300 feet has been given, the property has been posted and the application has been advertised pursuant to Section 30-139 of the Code of Ordinances (**Exhibit 3**).

We received telephone calls from two of the property owners that live on West Terra Mar Drive. Both property owners were opposed to the Town granting the request.

**Description of the Existing Property**

The subject property is a vacant lot with a concrete slab located within the RS-4 Broward County zoning district adjacent to the Intracoastal Waterway.

Board of Adjustment  
October 1, 2014 Meeting  
Variance: 1941 W. Terra Mar Drive

The current property owner is interested in building a new two-story single family residence. The subject lot is 7,841 square feet, and the proposed building footprint is 3,496 square feet. The total square footage for the proposed home is 5,645, excluding covered patios. The plans also include a pool and an outside kitchen. A copy of the proposed site plan is attached for your review (**Exhibit 4**).

**Variance Request – Setback Requirements**

The applicant is requesting a variance from the Broward County Zoning Code, Section 39-287, which establishes the required rear setbacks for buildings in the RS-4 district. The entire code section is attached as Exhibit 1 with the specific requirements and variance request listed in Table I below.

**Table I**

<b>Broward County Code Section</b>	<b>Code Requirement</b>		<b>Proposed</b>	<b>Variance Request</b>
39-287 (1)	Rear Setback	15'	5'	5' setback where 15' is required

**Background**

On August 20, 2013, staff responded to a request for setback information from the property owner’s architect, Eric Mills. The information that we sent had a typographical error and instead of stating the rear set back requirement was 15’, the zoning information stated that the rear setback requirement was 5’. Staff learned of our mistake and sent the corrected information to the architect when they contacted us in March 2014. The document that included the typographical error has since been corrected.

We were contacted by the property owner’s attorney requesting a zoning interpretation for the property on May 5, 2014. A letter confirming the zoning code requirements, including the 15’ rear set back requirement, was sent to their attorney on May 23, 2014 (**Exhibit 5**).

We also spoke to the Town’s attorney regarding this issue. The Town Attorney has advised that while the error is unfortunate, the factual error does not legally suffice to change the Code requirements nor does it authorize the Town to issue a permit with incorrect setbacks without securing a variance for the property.

The Town Code, which is supported under case law, states “No act or omission by a Town employee or its contractors in the interpretation or administration of the ULDR is binding if the act or omission results in an incorrect interpretation or application of the ULDR.” (Town Code Section 30-7(b)). Town staff lacks the authority to vary or amend the requirements of the Code – only the Town Commission can amend the Code or approve a variation to the legal requirements and only through the procedures provided in the Code – such as, in this case, consideration of a setback variance.

The applicant is required to meet the hardship test for a variance and the application should be evaluated considering the established criteria rather than the previous communications between staff and the architect.

**Criteria and Analysis**

Section 30-127 of the Town code provides that a variance application shall be evaluated by considering the following criteria:

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

Board of Adjustment  
October 1, 2014 Meeting  
Variance: 1941 W. Terra Mar Drive

Applicant Justification: To construct a home matching the existing fabric of the neighborhood on this undersized lot requires the need for a reduced rear setback. Additional homes within this same neighborhood have 5' rear setbacks. The owners wanted to develop this property in the same manner as was described originally from the zoning department.

Staff Discussion: The code regulations do not prevent the reasonable use of the land. The applicant is interested in building a single family residence that is larger than the size of the lot supports. Although the use of the property for a single family home is consistent with the allowed uses in the RS-4 Zoning District, the zoning regulations do not support the applicant's proposed size of the home, nor do the zoning regulations prevent the construction of a single family home consistent with the surrounding neighborhood.

**STAFF FINDINGS: This condition has not been met.**

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

Applicant Justification: As per the owner's design intent for the proposed single-family home, the design was governed by the requirements originally set forth by the zoning department. 5' rear yard setbacks as used for similar sized homes on similar sized lots within the same block.

Staff Discussion: The circumstance is not peculiar to the property. All new construction in the Town is required to follow the zoning regulations. As discussed previously in this report, the zoning department corrected the setback information as soon as they realized the typographical error and the error does not create an obligation or legal justification to provide a reduced setback.

**STAFF FINDINGS: This condition has not been met.**

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

Applicant Justification: The fact that other homes within this neighborhood are allowed the 5' rear setback with similar circumstances and size conditions (lot size, home size), conformity and fair treatment is all desired.

Staff Discussion: The applicant has not provided documentation that the interpretation of the provisions is an inconvenience to the owner, or a particular hardship. The County zoning setback requirements were last amended in 1998.

**STAFF FINDINGS: This condition has not been met.**

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

Board of Adjustment  
October 1, 2014 Meeting  
Variance: 1941 W. Terra Mar Drive

Applicant Justification: The existing neighboring homes are the same sizes on similar sized lots as what is proposed.

Staff Discussion: Staff took a sample of five neighboring properties (**Exhibit 6**) and reviewed their property file to determine compliance with the Code's rear setback requirements. We found that the sample met the setback requirements of the code. The applicant states that neighboring homes do not meet the code requirements, which is not supported by the documentation in the staff files. The applicant's claimed hardship is self-created.

**STAFF FINDINGS: This condition has not been met.**

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

Applicant's Justification: The use of this property is best suited for the proposed scope of this residence with 5' rear setbacks. The conformity to the existing rear portions within the community would be evident. Existing front yard setback requirements would remain.

Staff Discussion: There is a reasonable use of the property without the variance being granted. If the rear setback is granted, additional code requirements such as the location of the pool, deck and lot coverage (as the property is currently designed) will not meet code requirements and additional variances will need to be granted or the site plan will need to be changed to meet the code. Meeting the setback requirements does not prohibit the reasonable use of the land.

**STAFF FINDINGS: This condition has not been met.**

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

Applicant Discussion: N/A

Staff Discussion: The use (single family home) is permitted in the RS-4BC zoning district and the variance is not necessary to permit development of the property with a single family home compatible with the neighborhood.

Board of Adjustment  
October 1, 2014 Meeting  
Variance: 1941 W. Terra Mar Drive

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

Applicant Discussion: N/A

Staff Discussion: The applicant is not requesting the variance based on financial hardship.

**STAFF RECOMMENDATIONS:** Staff recommends denial of this variance request because the criteria to grant the request have not been met. However, if the Board recommends approval of the variance request, staff recommends the following conditions be included:

1. Failure of the applicant to secure a building permit that meets all zoning requirements, excluding the rear setback, for the new construction within 180 days of the approval of the variance development order shall terminate the variance without any action.
2. Town Manager may approve one (1) extension of up to 90-days to the permit deadline if she determines that sufficient progress is being made toward securing development approvals.
3. All applicable state and federal permits must be obtained before commencement of the development.

The variance request and the Board's recommendation will be scheduled for Town Commission consideration at their October 14th meeting.

**Exhibit 1** - Section 39-287

**Exhibit 2** - Completed Application

**Exhibit 3** - Map depicting the notice area

**Exhibit 4** - Proposed ground and second floor plans

**Exhibit 5** - Zoning Letter w/o exhibit (zoning code is attached to the report as Exhibit 1)

**Exhibit 6** - Neighboring properties sample

u:\- board of adjustment\2014 meetings\10-1-2014\1941 w terra mar dr #2014-v-01\37i2346-boa staff report 2014-v-02.doc

BC Code <sup>Zoning</sup>

RS-4  
RS-5  
RM-15  
RM-16  
RM-25

10-1/2001

ARTICLE XVI. - RESIDENTIAL ZONING DISTRICTS . . . . .

- Sec. 39-275. - General provisions.
- Sec. 39-276. - Purpose of districts.
- Sec. 39-277. - Repealing existing zoning districts.
- Sec. 39-278. - Density.
- Sec. 39-279. - Uses permitted.
- Sec. 39-280. - Uses prohibited.
- Sec. 39-281. - Plot size.
- Sec. 39-282. - Plot coverage.
- Sec. 39-283. - Common open space.
- Sec. 39-284. - Height.
- Sec. 39-285. - Front yard.
- Sec. 39-286. - Side yards.
- Sec. 39-287. - Rear yard.
- Sec. 39-288. - Minimum floor area of dwelling units.
- Sec. 39-289. - Permitted accessory uses for hotels, motels and community residential facilities.
- Secs. 39-290, 39-291. - Reserved.

AND  
REFERENCED  
CODE  
SECTIONS

Sec. 39-275. - General provisions. . . . .

- (1)
  - Easements.* No permanent structure except a wood or chain link fence shall encroach upon or into any easement of record. No structure or use shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes.
- (2)
  - Double frontage.* Where a plot is bounded on two (2) opposite sides by public or private rights-of-way or streets with no platted nonvehicular access line or landscape easement on one of the two (2) sides, front yards shall be provided on both such sides. Accessory buildings shall not be located in either front yard.
- (3)
  - Yard encroachments.* All required yards shall be open and unobstructed from ground to sky except as follows or as otherwise permitted in this article for zero lot line developments:
    - (a)
      - Sills, columns, ornamental features, chimneys, eaves, and awnings may project thirty-six (36) inches into a required yard.

(b) Fire escapes, stairways, balconies or canopies which are unenclosed, and air conditioning units may project three feet eight inches (3' 8") into a required side or rear yard.

(c) An unenclosed and unroofed patio or deck not higher than the first floor level of the principal building may be located in any required yard which is not contiguous to a street to within five (5) feet of a plot line. A ground-level slab or patio may be located within fifteen (15) feet of a front plot line.

(d) On a plot containing a one-family detached or two family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings.

(e) Accessory buildings may not exceed one story on any plot containing a one-family detached dwelling.

(f) Accessory buildings shall not exceed half the height of any principal building on plots containing two-family or multiple-family dwellings. On any plot containing grouped dwellings of varying heights, accessory buildings shall not exceed half the height of the lowest building on the plot.

(g) One-story accessory buildings shall be at least ten (10) feet from any other accessory building and from any principal building on the same plot. The distance between any principal and accessory buildings on the same plot, where the accessory building is higher than one-story, shall be half the height of the highest principal building.

(h) The aggregate floor area of all accessory buildings shall not exceed five percent (5%) of the plot area.

(i) No accessory building shall contain more than fifty percent (50%) of the floor area of the principal building.

(4)

*Fences, walls and hedges.* Fences, walls, or hedges may be erected, planted, and maintained upon any plot line and in required yards of residentially-zoned property to a maximum height of six (6) feet, except as follows:

(a)

On a lot line not at a corner, where a residential plot abuts commercial or industrially-zoned property, a fence, wall, or hedge may be a maximum height of eight (8) feet.

(b)

On a corner lot, no opaque fence, wall or hedge may exceed thirty (30) inches within twenty-five (25) feet of the intersection of the front and side street property lines.

(c)

Barbed wire, electrified or razor wire fences, or barbed, electrified or razor wire-topped fences or walls are prohibited on any residentially-zoned property.

(d)

Fence height shall be measured from the established grade.

(5)

*Swimming pools and spas.* All residential swimming pools and spas shall be constructed in conformity with the following requirements:

(a)

All swimming pools and spas shall be completely enclosed by either an open-mesh screen enclosure or a fence or wall a minimum five (5) feet in height above the ground, measured from the outside of the fence. Fences or walls shall be of such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates must be equipped with self-closing, self-latching mechanisms.

(b)

On plots containing a one or two-family dwelling, swimming pools and spas may be placed in required side or rear yards subject to the limitations of section 302.15, ✓ subsection (3)(d). For purposes of this subsection, the minimum setback from a plot line shall be measured beginning three (3) feet from the outermost edge of the waterline of the swimming pool or spa for fenced pools and spas, and from the exterior of the screen enclosure for screen enclosed swimming pools and spas.

(c)

Swimming pools or spas on plots which directly abut a waterway or other water area shall not require enclosure along such waterway or water area.

(6)

*Storage on residential property.*

(a)

Residentially-zoned land shall not be used for the storage of building materials or construction equipment except during active construction on the plot where the materials or equipment are located, and provided that a valid permit is in effect for the construction project, and the materials and equipment stored on the plot are necessary for the permitted construction project.

(b)

The open air storage of any item is prohibited in residential zoning districts with the exception of usable lawn, garden or pool furniture or equipment, barbecues, toys, bicycles, or trash cans being used by the residents of the dwelling on the plot where such items are stored.

(c)

- (b) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
- (c) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow.
- (d) Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances, except during a scheduled bulk pick-up by a licensed collector.
- (e) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one (1) foot inside the perimeter of the enclosure to prevent the dumpster from striking the enclosure during collection.
- (f) The dumpster, dumpster enclosure, and all surrounding areas shall be maintained by the property owner in accordance with this section, and shall be kept free of overflowing refuse at all times, except on a scheduled pick-up date. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (g) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (h) Dumpsters may be placed in the ground, provided the floor and walls of the enclosure are constructed of an impervious material. Any portion of the dumpster which is visible above the ground shall be screened with landscape material.
- (i) Dumpsters not placed in the ground shall be stored on a concrete pad, in accordance with the South Florida Building Code, at all times except twelve (12) hours before or after scheduled refuse collection and twenty-four (24) hours before or after special bulk waste collection.
- (j) The perimeter of the dumpster pad shall be enclosed on three (3) sides by an enclosure no less than the height of the dumpster plus six (6) inches. The enclosure shall be of translucent material allowing the detection of movement from one side to the other side of the enclosure. The remaining side of the dumpster enclosure shall be enclosed with gates constructed in accordance with Section 39-275, subsection (8)(k) below.

(k) The gates of the enclosure shall be constructed of a frame with translucent walls affixed thereto, and shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

(l) All dumpster enclosures consisting of living plants shall conform to the requirements of Article VIII, Functional Landscaping and Xeriscaping.

(m) On residential plots developed prior to June 16, 1995, where no other suitable location exists, upon application and receipt of a permit from Broward County, a residential dumpster and dumpster enclosure may be located within a required parking space or yard area.

(9) *Recreational vehicles and boats.* In all residential zoning districts currently licensed recreational vehicles and boats may be parked or stored on plots containing a dwelling, subject to the following:

(a) Parking or storage of recreational vehicles or boats shall be limited to vehicles or boats owned by the occupants of the property or their guests.

(b) Maintenance of recreational vehicles or boats shall not be permitted in a residential zoning district with the exception of cleaning or replacement of tires, batteries, spark plugs or other minor repairs which do not involve the exchange of engine parts or paint or body work.

(c) At no time while parked or stored in a residential zoning district shall sewer or electrical service connections be attached to a recreational vehicle or boat, except that electrical service connections may be attached for a maximum of forty-eight (48) hours prior to and in preparation for departure from the property.

(d) All boats, except canoes and boats less than twelve (12) feet in length, must be on a currently licensed boat trailer.

(e) In addition to the limitations in section ~~30-275~~<sup>30-275</sup>, sub-sections (9)(a), (b), (c) and (d) above, on a plot containing a one or two-family dwelling:

1.

Not more than one (1) boat and one (1) recreational vehicle may be parked or stored outside of a carport or fully enclosed building.

2.

No recreational vehicle or boat shall be parked or stored in a location which causes the recreational vehicle or boat to encroach onto a street or in any location which visually obstructs vehicle egress from contiguous properties.

(f)

In addition to the limitations in section 211 275, subsections (9)(a), (b), (c), (d) and (e) above, on a plot containing three (3) or more dwelling units:

1.

One recreational vehicle and one boat per dwelling unit may be parked or stored on the plot outside of a carport or fully enclosed building, if an area specifically designated for such use is provided.

2.

No part of any required off-street parking facility or required landscape area may be used for parking or storage of recreational vehicles or boats.

(10)

*Repair and maintenance of vehicles.*

(a)

Mechanical repairs to private passenger vehicles belonging to occupants of a dwelling shall be permitted inside a residential garage.

(b)

Only minor repairs limited to tire, battery, sparkplug, or oil replacement may be performed in a carport or in the open air.

(c)

No storage of parts or equipment shall be permitted at any time outside of a garage.

(d)

Auto body work and painting shall be prohibited in any residential area.

(e)

Any repair or maintenance of vehicles conducted pursuant to this section shall conform to all other provisions of the Broward County Code.

(11)

*Boathouses, boat slips and boat lifts.* The following regulations shall apply to boathouses, boat slips and boat lifts in residential districts:

(a)

No boathouse or boat lift shall exceed a height of fifteen (15) feet.

(b)

No boathouse shall be built less than five (5) feet from the established bulkhead or waterway line or less than ten (10) feet from any side plot line.

- (c) No boathouse shall exceed twenty (20) feet in width and forty (40) feet in depth.
- (d) No boathouse, boat slip or boat lift shall be constructed or altered to be less than ten (10) feet from any side plot line.
- (e) No boathouse, boat slip or boat lift may extend more than thirty-three percent (33%) of the width of the waterway, or twenty-five (25) feet into the waterway, whichever is less, as measured from the recorded property line along the waterway.
- (f) Nighttime reflectors shall be affixed to any boathouse or boat lift extending more than five (5) feet into any waterway.

(12)

*Docks and moorings.* Docks and moorings for pleasure boats, yachts and other noncommercial watercraft shall be permitted in residential zoning districts on any waterway or water area as an accessory use to a permitted residential occupancy of a plot, subject to the following:

- (a) No dock shall project more than five (5) feet into any waterway beyond the property line along the waterway or the established bulkhead line. No dock shall extend closer than ten (10) feet to the plot line of any other residentially-zoned property.
- (b) Mooring pilings shall be permitted, provided they do not project into any waterway more than thirty-three percent (33%) of the width of the waterway, or twenty-five (25) feet, whichever is less, as measured from the recorded property line. No mooring piling shall be situated closer than ten (10) feet to any lot line of contiguous property.
- (c) Nighttime reflectors shall be affixed to any mooring piling extending more than five (5) feet into any waterway.
- (d) Vessels docked at or moored to private docks or by mooring pilings shall not extend into a waterway more than thirty-three percent (33%) of the width of the waterway measured from the recorded property line.
- (e) No vessel of any kind shall dock at, moor to, or tie up to a private seawall, dock or mooring piling or be beached upon private property without the permission of the owner or legal occupant of the residence immediately adjacent to the private seawall, dock, mooring piling, or beach. Nothing, however, shall prohibit vessels or persons in distress from mooring to, tying up to, or beaching on private property, in an emergency situation, for a maximum of seventy-two (72) hours from the time the vessel is initially

moored, docked, tied up to, or beached on the private property. At the end of the seventy-two (72) hour period, the owner or occupant of such private property may request Broward County to initiate the appropriate procedures to remove the vessel.

(f)

The owner of the property or person in charge of or occupying a vessel shall at all times keep the docks, seawalls and premises adjacent to such vessel in a neat and orderly manner and free from litter, repair parts, machinery, equipment and debris of any kind.

(g)

No vessel shall be docked, moored or anchored adjacent to residential property in such a manner that it extends across the property line of contiguous property.

(13)

*Grains, seawalls and breakwaters.*

(a)

The approval of the U.S. Army Corp of Engineers must be obtained for any encroachment into the waters of the Atlantic Ocean or any other navigable waterway.

(b)

Seawalls shall be of the sloping, high energy-absorbing type, or of a vertical type with high energy-absorbing, rubble mound on the ocean or waterway side of the vertical wall. The toe or bottom of a sloping seawall shall not be located closer than one hundred (100) feet from mean low water shoreline.

(14)

*Household pets.* Livestock such as horses, cattle, sheep, goats, hogs, pigs, and poultry shall not be permitted as pets.

(15)

*Grouped housing.* Where two (2) or more separate buildings for dwelling purposes are erected on the same plot, minimum front, side and rear yards shall be provided around the perimeter of the plot as required by this code. The distance between such buildings shall be at least half the height of the higher of the two (2) buildings, but not less than ten (10) feet.

(16)

*Minimum space and basic facility requirements for dwelling units.* No person shall occupy or allow occupancy of any dwelling unit which does not comply with the minimum standards specified herein.

(a)

*Requirements for space.*

1.

Each dwelling unit shall have a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and not less than one hundred twenty (120) square feet for each additional occupant, of which forty

(40) square feet shall be bedroom area, thirty (30) square feet shall be dining area, and fifty (50) square feet shall be living area.

2.

Every room in a dwelling unit shall have a gross floor area of not less than seventy (70) square feet and, when occupied by more than one occupant, shall have a gross floor area of at least (50) square feet for each occupant. Every room shall have a minimum width of eight (8) feet.

3.

Gross area shall be calculated on the basis of total habitable room area as defined in section 39-4 of this code.

4.

Every dwelling unit shall have a minimum of twelve (12) square feet of floor area of closet space for the first bedroom and six (6) square feet of floor area for closet space for each additional bedroom. Kitchen closet space shall not be considered as meeting this requirement. All clothes closets must have a shelf and rod.

(b)

*Basic sanitary facility requirements.*

1.

Each dwelling unit shall have not less than one flush water closet, one lavatory basin, and one bathtub or shower for each six (6) persons, or fraction thereof, residing in the dwelling unit.

2.

Urinals shall not be substituted for water closets.

3.

All toilet and bath facilities shall be accessible from the interior of the dwelling unit.

(17)

*Temporary sales offices.*

(a)

A temporary sales office may be erected and used on the plot of a residential development during construction of the dwelling units in the project. The sales office shall be removed upon completion of the phase of the project utilizing the sales office, or three (3) years from the date of issuance of the Development Order for Building Permit for the first dwelling unit, whichever occurs first.

(b)

In no case shall any temporary sales office be permitted to remain on the plot of the residential development if the Development Order or any permit for construction of the dwelling units in the project becomes invalid for more than a thirty (30) day time period.

(c)

Any permit application for a temporary sales office shall be accompanied by a copy of an approved plat or site plan specifically delineating the boundaries of the phase of the project the sales office is to serve.

(d)

Only one sales office shall be permitted to serve the area delineated in the project area.

(18)

*Signs.* Signs in any residential zoning district shall be subject to Article VI, "Signs," of this Code.

(19)

*Definitions.* Terms used in this article are defined in Article II, "Definitions," of this Code.

(20)

*Property Maintenance.* All buildings and properties in residential zoning districts shall be maintained in accordance with Article X, "Property Maintenance and Junk and Abandoned Property," of this Code.

(21)

*Landscaping.* All properties

(Ord. No. 96-15, § 1, 5-31-96; Ord. No. 1997-25, § 2, 5-16-97; Ord. No. 2000-25, § 31, 8-17-00)

Sec. 39-276. Purpose of districts.

The provisions of these districts are intended to provide a variety of residences and complimentary uses which conform to the density requirements, policies, and objectives of the Broward County Land Use Plan.

(Ord. No. 85-11, § 1, 5-28-86)

Sec. 39-277. - Residential zoning districts.

The following shall constitute residential zoning districts for the purposes of this Code:

District	Title
RS-2 through RS-6	One-family detached dwelling districts
RD-4 through RD-10	Duplex and attached one-family dwelling districts
RM-5 through RM-25	Multiple-family dwelling districts

(Ord. No. 85-11, § 1, 5-28-86; Ord. No. 1997-17, § 1, 5-16-97; Ord. No. 1998-31, § 3, 5-20-98)

Sec. 29 278, - Density.

No residentially-zoned property shall be developed to a density exceeding the following maximum limits:

*Density Limits:*

District	Permitted Dwelling Units per Net Acre	
	1-Family detached	All others
RS-2 .....	2.0	
RS-3 .....	3.0	
RS-4 .....	4.0	
RS-5 .....	5.0	
RS-6 .....	6.0	
RD-4 .....	4.0	4.0
RD-5 .....	5.0	5.0
RD-6 .....	6.0	6.0
RD-7 .....	7.0	7.0
RD-8 .....	8.0	8.0
RD-9 .....	9.0	9.0
RD-10 .....	9.0	10.0
RM-5 .....	5.0	5.0
RM-6 .....	6.0	6.0
RM-7 .....	7.0	7.0
RM-8 .....	8.0	8.0
RM-9 .....	9.0	9.0
RM-10 .....	9.0	10.0
RM-11 .....	9.0	11.0
RM-12 .....	9.0	12.0
RM-13 .....	9.0	13.0
RM-14 .....	9.0	14.0
RM-15 .....	9.0	15.0
RM-16 .....	9.0	16.0
RM-17 .....	9.0	17.0
RM-18 .....	9.0	18.0
RM-19 .....	9.0	19.0
RM-20 .....	9.0	20.0
RM-21 .....	9.0	21.0
RM-22 .....	9.0	22.0

RM-23 .....	9.0	23.0
RM-24 .....	9.0	24.0
RM-25 .....	9.0	25.0

(a)

Maximum density for hotel and motel rooms shall be calculated as double the maximum number of dwelling units permitted in the zoning district in which the property is located.

(b)

Maximum density for nursing homes, community residential facilities, and convalescent or rehabilitation homes shall be calculated as two (2) bedrooms equals one dwelling unit.

(Ord. No. 95-11, § 1, 5-23-91; Ord. No. 95-17, § 1, 3-1-91; O.d. No. 95-21, § 4, 5-8-98)

Sec. 38-273 - Uses permitted.

Buildings, structures, land or water in residential zoning districts may only be used for one or more of the uses as designated in the following table:

Use	District			
	RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
1-family detached dwelling	P	P	P	P
2-family dwelling	NP	P	P	P
Townhouse or villa	NP	P	P	P
Multi-family dwelling (3 or more dwelling units)	NP	NP	P	P
Community residential facility with adult day care permitted as an accessory use	P	P	P	P
Nursing home, convalescent or rehabilitation home	NP	NP	NP	P
Hotel, motel, or timeshare apt.	NP	NP	NP	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Golf course	P	P	P	P
Places of worship	P	P	P	P
Family day care home	P	P	P	P
Home office subject to <u>sec. 38-237</u> ✓	C	C	C	C
Child care facility	NP	NP	P	P
Temporary sales offices	P	P	P	P
Yard sales	C	C	C	C
Accessory uses and structures	P	P	P	P
Essential services	P	P	P	P
Bed and breakfast	NP	NP	p*	P

Off-site parking lots subject to <u>sec. 39-240</u>	C	C	C	C
Outdoor event, subject to <u>sec. 39-238</u>	C	C	C	C
Wireless communication facilities subject to <u>sec. 39-102</u>	P	P	P	P

\*Not permitted in RM-5 thru RM-10

(C. Code, 7-15, § 5-20-95; Ord. No. 1997-12, § 1, 11-97, Ord. No. 1998-1, § 2, 8-98; Ord. No. 2000-36, § 32, 1-2-01)

See 39-150

Sec. 39-21. Uses prohibited.

Any use not expressly permitted in section 39-279 of the Broward County Code of Ordinances is prohibited.

Ord. No. 2010, § 5-20-55)

Sec. 39-23. Plot size.

(1)

The minimum plot area per dwelling unit in residential zoning districts shall be as follows, provided common open space is provided in compliance with section 39-283 of this Code:

Min. plot area per unit	
District	in square feet
RS-2 .....	15,000
RS-3 .....	10,000
RS-4 .....	7,500
RS-5 .....	6,000
RS-6 .....	5,000
RD-4 .....	7,500
RD-5 .....	6,000
RD-6 .....	5,000
RD-7 .....	4,300
RD-8 .....	3,800
RD-9 .....	3,300
RD-10 .....	3,300
.....	
RM-5 .....	6,000
RM-6 .....	5,000
RM-7 .....	4,300
RM-8 .....	3,800
RM-9 .....	3,300
RM-10 .....	3,300
.....	
RM-11 .....	3,300

.....	
RM-12	3,300
.....	
RM-13	3,300
.....	
RM-14	3,300 (1-family detached)
.....	
	3,111 (all others)
RM-15	3,300 (1-family detached)
.....	
	2,904 (all others)
RM-16	3,300 (1-family detached)
.....	
	2,722 (all others)
RM-17	3,300 (1-family detached)
.....	
	2,562 (all others)
RM-18	3,300 (1-family detached)
.....	
	2,420 (all others)
RM-19	3,300 (1-family detached)
.....	
	2,292 (all others)
RM-20	3,300 (1-family detached)
.....	
	2,178 (all others)
RM-21	3,300 (1-family detached)
.....	
	2,074 (all others)
RM-22	3,300 (1-family detached)
.....	
	1,980 (all others)
RM-23	3,300 (1-family detached)
.....	
	1,894 (all others)
RM-24	3,300 (1-family detached)
.....	
	1,815 (all others)
RM-25	3,300 (1-family detached)
.....	
	1,742 (all others)

Every individual plot shall have at least one side which has a minimum dimension of sixty (60) feet. The plot line which provides access to the plot must be a minimum of nineteen (19) feet.

(2)

The minimum plot size for all permitted nonresidential uses shall be one net acre, with a minimum street frontage of one hundred fifty (150) feet, except that existing nonresidential buildings on plots which are less than one net acre 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.

(Ord. No. 96-15, § 1, 5-18-95; Ord. No. 1507-12, § 1, 3-11-97; Ord. No. 1552-37, § 3, 9-2-98)

Sec. 39-282. - Plot coverage.

The combined area occupied by all buildings and roofed structures shall not exceed the following maximum percentages of any individual plot:

*District Maximum Coverage*

- RS-2 .....20%
- RS-3 to RS-6 .....40%
- RD-4 to RD-6, RM-5 and RM-6 .....50%
- RD-7 to RD-10, RM-7 to RM-25 .....65% for 1-family detached  
40% for all other uses

(Ord. No. 96-15, § 3, 5-18-95; Ord. No. 1507-12, § 1, 3-11-97; Ord. No. 1552-37, § 7, 9-2-98)

Sec. 39-283. - Common open space.

(1)

For each net acre of property reflected in a subdivision plat or site plan for construction of one-family, two family or townhouse dwellings in RS-2 to RS-6 and RM-5 to RM-25 submitted for plat review after the effective date of this article, common open space for active or passive recreation areas or water retention areas shall be reserved and supplied as follows:

(a)

For each net acre of property reflected in a subdivision plat or site plan, a minimum of thirteen thousand five hundred sixty (13,560) square feet of plot area;

(b)

For plots containing less than one net acre, a minimum of twenty percent (20%) of the plot area;

(c)

For lots platted prior to the effective date of this article or recorded in the public records as an individual plot, no common open space shall be required, provided the lots are not further subdivided.

(2)

A reduction in the size of such reserved areas shall be permitted for one-family, two-family or townhouse dwelling developments if one or more individual plots are increased above minimum

plot area at a ratio of one square foot increase in residential plot area to one square foot decrease in common open space area.

(3)

Such areas must be specifically delineated on the recorded subdivision plat or approved site plan and shall be conveyed by any of the following procedures:

(a)

The acceptance of a deed to such land by the Board of County Commissioners of Broward County;

(b)

The sale, lease or other disposition of such property to a nonprofit corporation, such as a homeowners association, chartered under the laws of Florida, to administer and maintain the facilities and land or water areas.

(c)

The inclusion of a portion of said property in the deeded lots or descriptions of individual purchasers subject to an acceptable deed restriction limiting that portion to the use outlined in the approved site plan and recorded in the public records. Access rights for all residents within the development shall be guaranteed.

*(Ord. No. 96-15, § 1, 5-22-96; Ord. No. 1997-12, § 1, 3-11-97, Ord. No. 2000-30, § 33, 5-27-00)*

Sec. 284. - Height.

No building or structure, or part thereof, shall be erected or altered to exceed the maximum heights specified as follows, except structures specifically permitted in accordance with section 284.03 of this code, titled "exclusions from height limits":

*Number*

*District of stories*

RS-2 to RS-6 .....2

RD-4 to RD-10 .....2

RM-5 to RM-6 .....2

RM-7 to RM-8 .....3

RM-9 to RM-15 .....4

RM-16 to RM-20 .....6

RM-21 to RM-23 .....10

RM-24 to RM-25 .....15

*(Ord. No. 96-15, § 1, 5-22-96; Ord. No. 1997-12, § 1, 3-11-97, Ord. No. 1998-31, § 3, 9-8-97; Ord. No. 2000-30, § 33, 5-27-00)*

Sec. 285. - Front yard....

(1)

Every individual plot used for one-family or two-family dwellings shall maintain a front yard as follows:

*District Front Yard*

- RS-2 .....50 feet
- RS-3 to RS-6 .....25 feet
- RD-4 to RD-6 .....25 feet
- RD-7 to RD-10 .....18 feet
- RM-5 to RM-25 .....18 feet

(2)

Every individual plot used for nonresidential uses shall maintain a setback along any street side of at least fifty (50) feet in RS-2 districts and at least thirty (30) feet in all other residential zoning districts.

(3)

Every individual plot used for multiple-family dwellings consisting of three (3) or more dwelling units shall maintain a setback along all street sides of at least twenty-five (25) feet.

*(Ord. No. 20-17, § 4, 5-20-20; Ord. No. 167-12, § 1, 11-27; Ord. No. 152-31, § 5, 8-8-20; Ord. No. 20-27, § 25, 3-23-20)*

*Sec. 19-36. - Side Yards.*

(1)

Every individual plot used for one-family or two-family dwellings shall maintain side yards as follows:

*District Side Yard*

- RS-2 .....25 feet
- RS-3 to RS-5, RD-4 to RD-5 .....7.5 feet
- RS-6, RD-6 to RD-10, RM-5 to RM-25 .....5 feet

(a)

Street side yards:

*Street*

*District Side Yard*

- RS-2 .....25 feet
- RS-3 to RS-5, RD-4 to RD-5 .....15 feet
- RS-6, RD-6 to RD-10, RM-5 to RM-25 .....10 feet

(b)

Zero lot line developments:

1.

On any two or more plots which meet the minimum area stated in this article, one-family detached dwellings and accessory buildings may be located on a

side plot line, provided the sum of both required side yards exists on the opposite side plot line.

2.

No openings of any kind shall be permitted on the side of any building directly abutting and running parallel to the zero yard side of the plot. No encroachments of any kind, including roof overhangs, shall be permitted on any adjoining property.

3.

Zero lot line development shall require submission, approval and recordation of a subdivision plat indicating the area and dimension of each lot and specifically indicating that a minimum five (5) feet wide maintenance easement, in favor of the adjoining property owner, shall be provided on each lot adjacent to the zero lot line side of each lot. The subservient property owner shall not place any landscaping or other obstruction in the maintenance easement which would interfere with reasonable access to the easement for maintenance purposes. Such subdivision plats shall also meet all applicable requirements of the Broward County Land Development Code.

4.

At no time shall a zero lot line development be approved which would allow a residential structure to be placed on a plot line that directly abuts land held in separate ownership, which is not developed or intended to be developed utilizing the zero lot line concept.

(c)

Townhouses: Side yards shall not be required on any common party wall plot line.

(2)

All individual plots used for multiple-family dwellings consisting of three (3) more dwelling units, or nonresidential uses shall maintain a side yard on each side of the plot not contiguous to a public or private street of at least twenty (20) feet.

(Ord. No. 95-15, § 1, 9-28-95; Ord. No. 1997-17, § 1, 11-9-97; Ord. No. 1997-31, § 10, 9-2-97)

Sec. 19-28. - Rear yard.

(1)

All individual plots used for one-family or two-family dwellings shall maintain a rear yard as follows:

*District Rear Yard*

RS-2 .....25 feet

RS-3 to RS-6, RD-4 to RD-5 .....15 feet

RD-6 to RD-9, RM-5 to RM-9 .....10 feet

RD-10, RM-10 to RM-25 .....5 feet

(C. d. No. 95-15, § 1, 5-16-95; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-1, § 11, 1-2-98)

**Sec. 19-222 - Minimum floor area of dwelling units.**

The following minimum floor areas per dwelling unit shall be provided:

District	Minimum Floor Area per Dwelling Unit
RS-2	1,500 square feet
RS-3 to RS-6, RD-4 to RD-10	800 square feet
RM-5 to RM-25	800 square feet (1-family) 600 square feet (multiple-family) 400 square feet (efficiency apt.) 200 square feet (hotel and motel room)

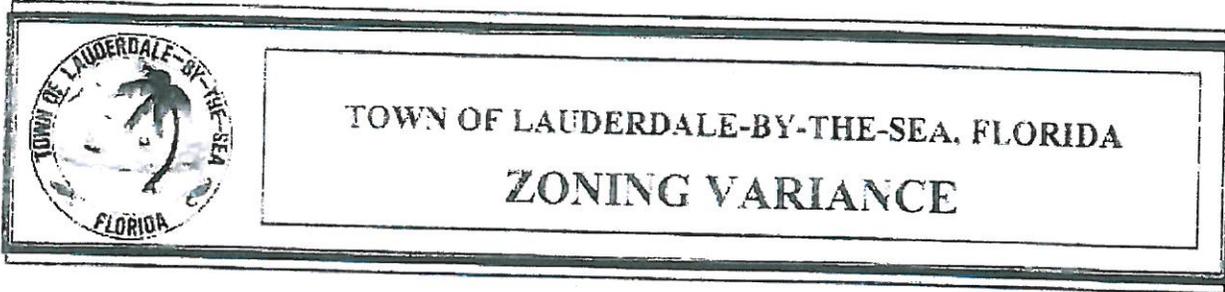
(C. d. No. 95-15, § 1, 5-16-95; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-34, § 12, 9-8-98)

**Sec. 19-229 - Permitted accessory uses for hotels, motels and community residential facilities.**

- (a) Hotels, motels and community residential facilities having fifty (50) or more units may have restaurants, nightclubs, dining rooms or bars. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, dining room or bar.
- (b) Hotels, motels and community residential facilities having one hundred (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.
- (c) The aggregate gross floor area of all permitted accessory uses shall not exceed thirty (30) percent of the gross floor area of the principal building(s) on the plot.

Ord. No. 1203-21, § 13, 2-2-99

Secs 39-290, 39-291 - Rescinded.



PROPERTY INFORMATION

Date: 8/20/2014 Permit Number Assigned: 2014-V-02

Property Address: 1941 W. Terra Mar Drive

Legal Description: Lot 15 Block 1 Folio \_\_\_\_\_

Subdivision Terra Mar Island Estates

Zoning District: RS-5 (Broward County)

Property Owner's Name: TRUONG DUONG / LILIANNE DUONG

Address: 3 5300 N. Powerline Road #202 Ft. Lauderdale, FL 33309

Phone #: (954) 938-3060 Fax \_\_\_\_\_

Owner/Applicant's Name: TRUONG DUONG / LILIANNE DUONG

Phone #: 703-855-0988 Fax \_\_\_\_\_

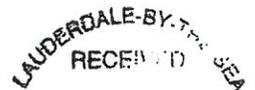
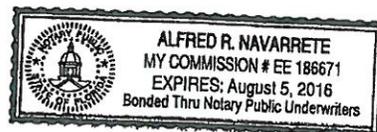
\*Letter required from Owner if represented by Agent.

Signature of Applicant/Owner: *[Handwritten Signature]*

Print Name of Applicant/Owner: TRUONG DUONG / LILIANNE DUONG

Notary: *[Handwritten Signature]*

My Commission expires: 08/05/2016



SEP 02 2014

DEVELOPMENT  
SERVICES

VARIANCE REQUIREMENTS

Code Section from which Variance is sought: Broward County Zoning Section 39-287.

Description of your request: Request for 5'-0" rear yard setback in lieu of 15'-0" rear setback.

Describe the existing special conditions and circumstances affecting the land, structure or building involved preventing the reasonable use of said land, structure, or building: To construct a home, matching the existing fabric of the neighborhood, on this undersized lot requires the need for a reduced rear setback. Additional homes within this same neighborhood have 5'-0" rear setbacks. The owners wanted to develop this property in the same manner-as was described originally from the zoning department.

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: As per the owners design intent for the proposed single-family home, the design was governed by the requirements originally set forth by the zoning department. 5'-0" rear yard setbacks (as used for similar sized homes on similar sized lots within the same block.

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 fact that other homes within this neighborhood are allowed the 5'-0" rear setback, with similar circumstances and size conditions (lot size, home size), conformity and fair treatment is all desired.

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 neighboring homes are the same sizes on similar sized lots as what is proposed.

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 use of this property is best suited for the proposed scope of this residence with 5'-0" rear setbacks. The conformity to the existing rear portions within the community would be evident. Exist front yard setback requirements would remain.

**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.

Seventeen (17) 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: \_\_\_\_\_

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

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

Board of Adjustment meeting date: \_\_\_\_\_

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)**

**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.

**LORI PARRISH**  
**BROWARD**  
 COUNTY  
**PROPERTY**  
**APPRAISER**



<b>Site Address</b>	1941 W TERRA MAR DRIVE, LAUDERDALE BY THE SEA	<b>ID #</b>	4943 06 20 0150
<b>Property Owner</b>	LILIANNE AND SONS LLC	<b>Millage</b>	0211
<b>Mailing Address</b>	8032 LEESBURG PIKE VIENNA VA 22182	<b>Use</b>	00

<b>Abbreviated Legal Description</b>	TERRA MAR ISLAND ESTATES 29-12 B LOT 15 BLK 1
--------------------------------------	---

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2013 Exemptions and Taxable Values to be reflected on the Nov. 1, 2013 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2014	\$376,250		\$376,250	\$376,250	
2013	\$376,250		\$376,250	\$376,250	\$7,490.88
2012	\$431,040		\$431,040	\$431,040	\$8,550.20

2014 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$376,250	\$376,250	\$376,250	\$376,250
Portability	0	0	0	0
<b>Assessed/SOH</b>	\$376,250	\$376,250	\$376,250	\$376,250
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
<b>Taxable</b>	\$376,250	\$376,250	\$376,250	\$376,250

Sales History			
Date	Type	Price	Book/Page or CIN
8/15/2012	SWD-Q-DS	\$420,000	49042 / 1504
8/29/2012	QCD-D	\$328,700	49042 / 1502
3/27/2012	CET-D	\$328,700	48667 / 1949
4/10/2007	QCD-T	\$100	44004 / 864
4/9/2007	PRD	\$950,000	44004 / 872

Land Calculations		
Price	Factor	Type
\$48.01	7,837	SF
Adj. Bldg. S.F.		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
02						LB		
L								
1						1		

Town of Lauderdale-By-The-Sea  
4501 Ocean Drive

Development Services Department  
Phone: 954-776-3611 / Fax: 954-776-3431

Application Submittal Checklist – Variance (Single Family Homes)

NOTE: The Applicant 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"

One (1) copy of the following:

- ( X ) Completed application
- ( X ) Proof of ownership
- ( X ) Property owner's signature and agent letter if applicable

Two (2) site plan sets drawn to scale depicting proposed improvements 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.
- ( X ) Plans as specified to include but not limited to
  - ( X ) A. Site Plan
  - ( X ) B. Building Elevations ( if applicable )
  - ( ) C. Additional Renderings ( if applicable )
  - ( ) D. Landscape Plans ( if applicable )

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

Print Name: TRUONG DUONG / LILIANNE DUONG

Signature: *Lillianne Duong*

Date: 8/20/2014

For Department Staff use only:

Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Tech. Specs Reviewed by: \_\_\_\_\_

Permit Number assigned: \_\_\_\_\_

LILIANNE T DUONG  
3270 S TERRA MAR DR  
POMPANO BEACH, FL 33062-6836

172  
63-9138/2631

July 9, 2014

PAY <sup>to the order of</sup> Town of Lauderdale By Thee \$ 850.00  
Eight Hundred Fifty and 00/100 Dollars



BRANCH BANKING AND TRUST COMPANY  
1-800-BANKBEST BB&T.com

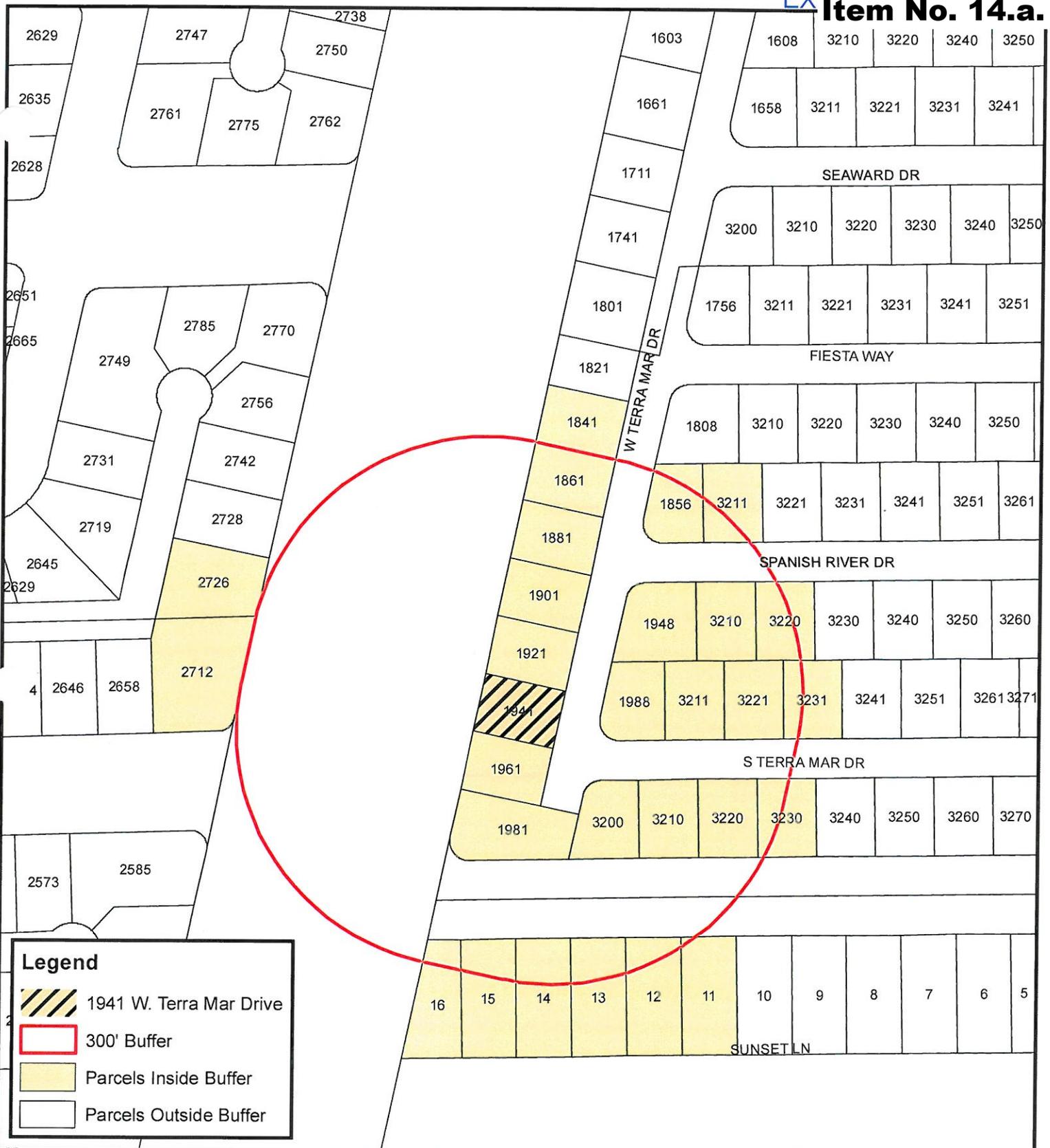
ACCESS  
BANKING

To: Variance

Signature: Lilianne

⑆ 263191387⑆ 0000149513868⑆ 00172

Ms. Lilianne



**Lauderdale by the Sea  
1941 W. Terra Mar Drive - 300' Buffer**



**NEW SINGLE FAMILY  
RESIDENCE**

**MR. & MRS. DUONG**  
1941 W TERRA MAR DRIVE  
LAUDERDALE BY THE SEA, FL

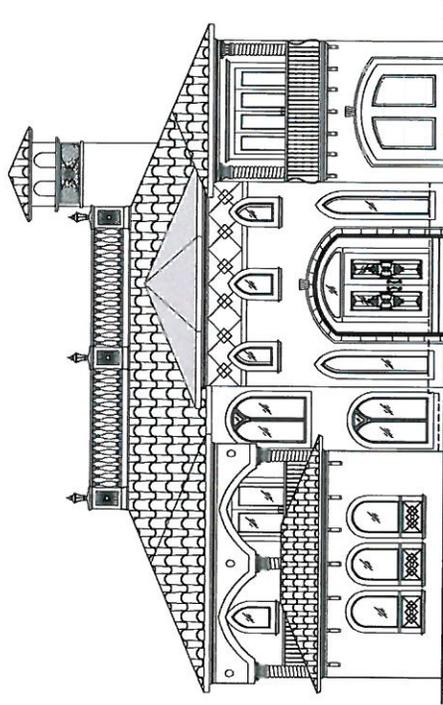


EXHIBIT 4

**VDC**  
VIRTUAL DESIGN GROUP, INC.  
5300 N. POWERLINE ROAD # 202  
FORT LAUDERDALE, FL 33309  
(F) 954-834-3360  
(F) 954-834-3380  
WWW.VDCARCHITECTURE.COM  
LIC. # A-2602289

**VDC**  
VIRTUAL DESIGN GROUP  
5300 N. POWERLINE ROAD # 202  
FORT LAUDERDALE, FL 33309  
(F) 954-834-3360  
(F) 954-834-3380  
LIC. # C-28785  
WWW.VDCENGINEERING.COM

**MEP**  
MEP ENGINEERING INC.  
8000 W. UNIVERSITY BLVD. SUITE 31434  
BOCA RATON, FL 33434  
LIC. # C-24978  
PROJECT OWNER

**NEW SINGLE FAMILY  
RESIDENCE**

**MR. & MRS. DUONG**  
1941 W TERRA MAR DRIVE  
LAUDERDALE BY THE SEA, FL

DATE: 04/25/2014  
DRAWN BY: JAV/EM  
APPROVED BY: WHF.  
PROJECT NO. 13489  
SEAL

WOODRUFF FREESE, REGISTERED ARCHITECT  
STATE OF FLORIDA - F-14878

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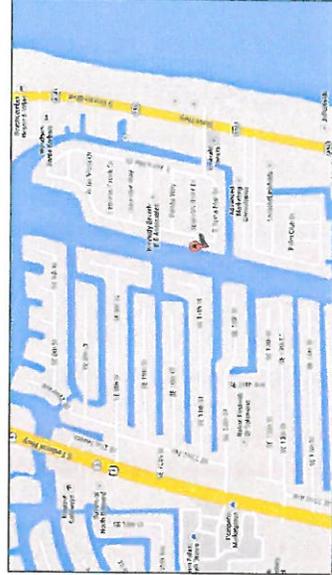
**CVR**

**Item No. 14.a.**



**AERIAL MAP**

NTS



**LOCATION MAP**

NTS

SP-1

ARCHITECT: VDG ARCHITECTURE, INC. 1000 N. POWERLINE ROAD # 202 FORT MYERS, FL 33909 (813) 954-0300 (F) 954-038-0080 LIC # AS20000339 WWW.VDGMARCHITECTURE.COM

ARCHITECTURAL DESIGN + ENGINEERING MECHANICAL, ELECTRICAL, PLUMBING ENGINEER VDG ARCHITECTURE, INC. 1000 N. POWERLINE ROAD # 202 FORT MYERS, FL 33909 (813) 954-0300 (F) 954-038-0080 LIC # CA01185 WWW.VDGENGINEERING.COM

STRUCTURAL ENGINEER: VDG ARCHITECTURE, INC. 1000 N. POWERLINE ROAD # 202 FORT MYERS, FL 33909 (813) 954-0300 (F) 954-038-0080 LIC # CA01185

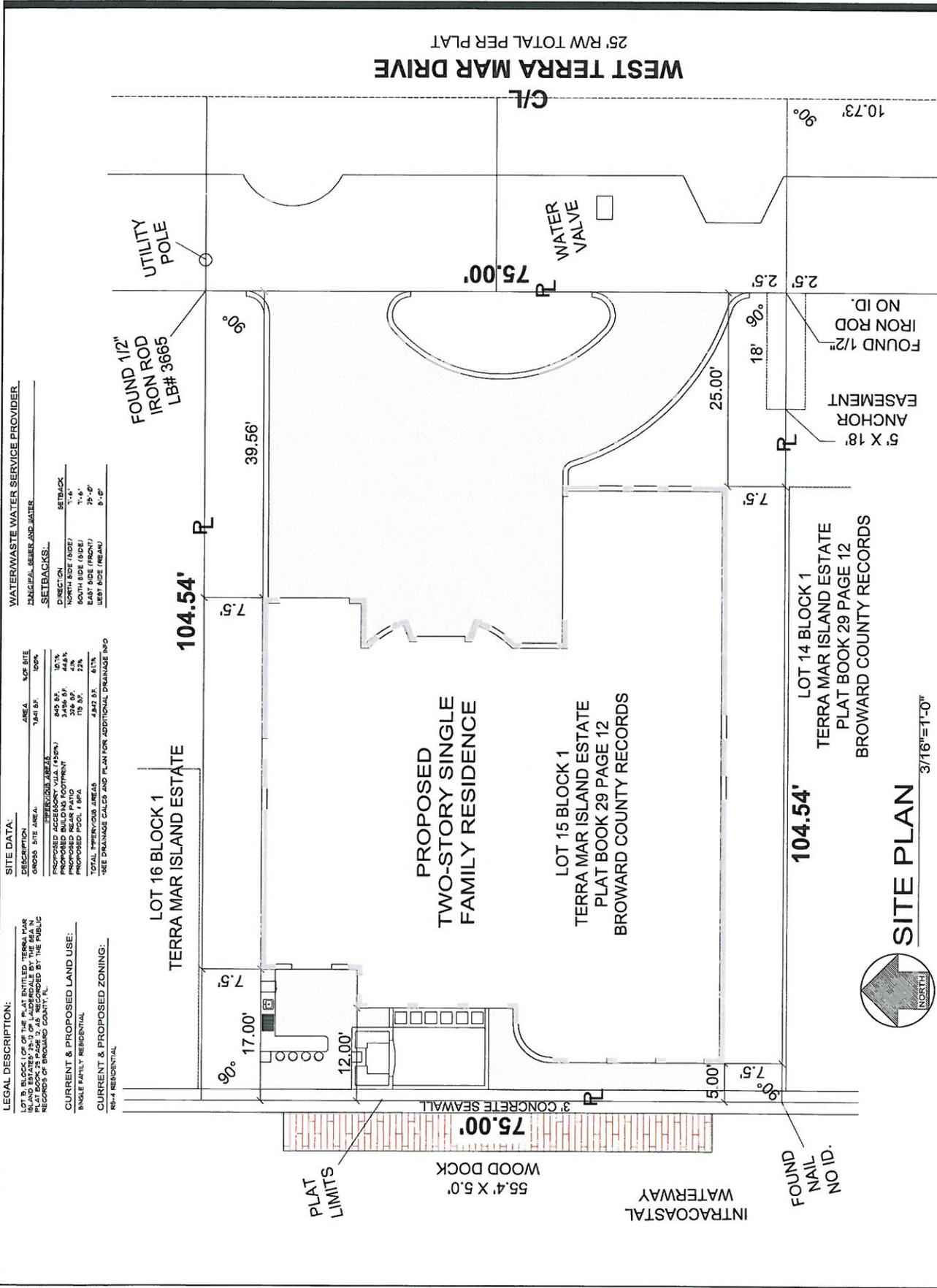
PROJECT OWNER: NEW SINGLE FAMILY RESIDENCE MR. & MRS. DUONG 1941 W TERRA MAR DRIVE LAUDERDALE BY THE SEA, FL

ISSUE DATE: 2-22-14 DRAWN BY: JAY/EM APPROVED BY: WHF PROJECT NO. 13489 SEAL

DESIGNER: VDG ARCHITECTURE, INC. 1000 N. POWERLINE ROAD # 202 FORT MYERS, FL 33909 (813) 954-0300 (F) 954-038-0080 LIC # CA01185

REGISTERED ARCHITECT STATE OF FLORIDA # 12729

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**NEW SINGLE FAMILY RESIDENCE**

**MRS. & MRS. DUONG**  
 1941 W TERRA MAR DRIVE  
 LAUDERDALE BY THE SEA, FL

ISSUE # 1: REVISION

DATE: 11/14/2018

PROJECT NO. 18-019

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

DATE: 11/14/2018

PROJECT NO. 18-019

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

DATE: 11/14/2018

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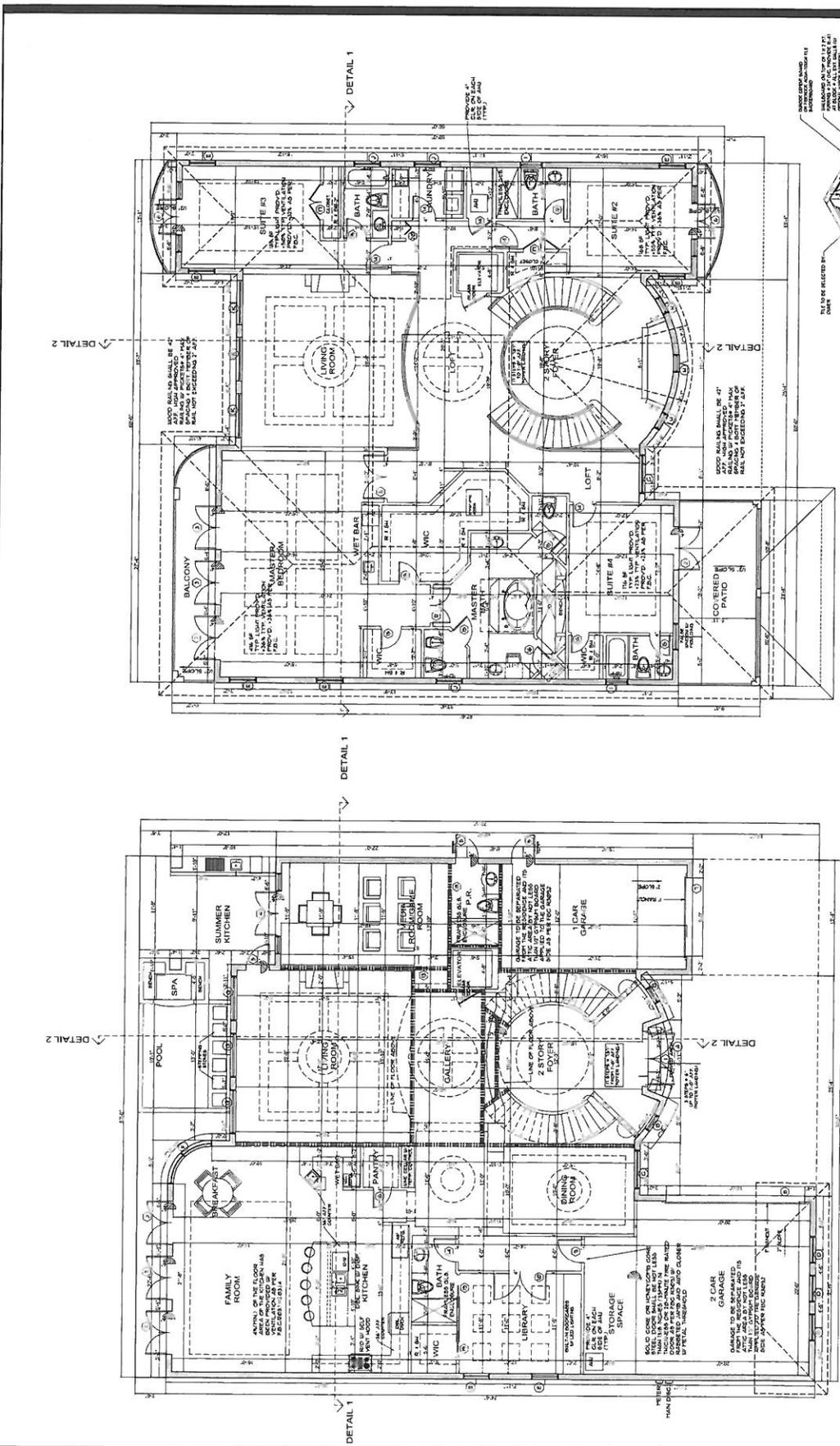
PROJECT NO. 18-019

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

DATE: 11/14/2018

PROJECT NO. 18-019

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



**SECOND FLOOR PLAN**  
 3/16" = 1'-0"

**FLOOR PLAN NOTES:**

- DOORS TO BE IN COMPLIANCE WITH IBC 101.10.1.1 AND CHAPTER 4, ALTERATION LEVEL 2.
- ALL PLANS AND SPECS HAVE BEEN DESIGNED TO BE IN COMPLIANCE WITH THE 2018 FLORIDA BUILDING CODE (RESIDENTIAL) AND PROVISIONS OF THE HIGH VELOCITY WINDCANE.
- WINDERS TO BE IN COMPLIANCE WITH IBC 101.10.1.1.1.
- WATER RESISTANT GYPSUM HALLOWARD GREEN BOARD SHALL NOT BE INSTALLED AS A BACKER BOARD AS PER IBC 703.2.3.
- CHAIRBLOCK BOARD AT BATHROOM AREAS.

**FIRST FLOOR PLAN**  
 3/16" = 1'-0"

AREA CALCULATIONS	
FIRST FLOOR A/C	2,655 SQ. FT.
SECOND FLOOR A/C	2,435 SQ. FT.
TOTAL UNDER A/C	5,090 SQ. FT.
GARAGE	655 SQ. FT.
COVERED PATIOS	410 SQ. FT.
TOTAL COVERED AREA	6,215 SQ. FT.

**A-1**







Town of  
**LAUDERDALE-BY-THE-SEA**  
DEVELOPMENT SERVICES DIVISION

---

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610  
Telephone: (954) 640-4210 \* Fax: (954) 634-4654

May 23, 2014

Richard Coker  
Coker & Reiner  
1404 South Andrews avenue  
Fort Lauderdale, FL 33316

RE: Zoning Letter for 1941 West Terra Mar Drive

Mr. Coker

This letter is in response to your request for a zoning determination letter for the above referenced property.

1941 West Terra Mar Drive is located within the Town of Lauderdale-By-The-Sea in the area of Town that was annexed from Broward County. The annexation agreement between the County and Town required the Town to follow County zoning regulations until such time as the property is rezoned. To date this has not occurred and therefore, the property follows the Broward County zoning regulations from 2001.

The subject property is zoned RS-5 (Broward County) and is regulated under Article XVI of the Broward County 2001 Code (attached).

Should you have questions or require additional information, please contact me at (954) 640-4213 or by email at [LindaC@lbtS-fl.gov](mailto:LindaC@lbtS-fl.gov).

Sincerely,



Linda Connors  
Town Planner

Attachments – B-1 Zoning Regulations and Parking Regulations

Line	Property Address	Survey from BC Permit #	Rear Setback
1	1861 W Terra Mar Dr.	04-162	15.1 Feet
2	3220 S Terra Mar Dr.	98-4411	20.6 feet
3	1881 W Terra Mar Dr.	03-1091	25 feet
4	3200 W Terra Mar Dr.	09-01995	25.21 feet
5	1901 W Terra Mar Dr.	97-903	30.2 feet



**NON-APPROVED**  
**TOWN OF LAUDERDALE-BY-THE SEA**  
**BOARD OF ADJUSTMENT MINUTES**  
*Jarvis Hall*  
*Wednesday, October 1, 2014 at 6:00 P.M.*

CALL TO ORDER

Acting Chairperson Sandra Booth called the Board of Adjustment (BOA) meeting for the Town of Lauderdale-By-The-Sea to order at 6:07 PM. The Pledge of Allegiance was recited. Town Planner Connors called upon Gerri Ann Capotosto to stand and take the oath. Roll was called. Members present were Sandra Booth, Carolyn Zaumeyer and First Alternate Gerri Ann Capotosto. Charles Baclet, Carmen Miller, Helene Wetherington, and Second Alternate Verence Rapaport were absent. Also present were Town Attorney Susan Trevarthen, Town Planner Linda Connors and Planning Technician Juliana Cardona. Clerk Idalia Gutierrez was present to record the minutes of the meeting.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was already recited.

APPROVAL OF MINUTES – Previous BOA Meeting Minutes dated August 6, 2014

Carolyn Zaumeyer made a motion to approve the minutes of August 6, 2014 as written. The motion was seconded by Gerri Ann Capotosto. The motion carried 3-0.

PUBLIC COMMENTS

No one from the public spoke.

TOWN PLANNER REPORT

No report given.

NEW BUSINESS

Case Number 2014-V-02: Truong and Lilianne Duong (applicants)/ Variance Request Application to allow an encroachment into the rear setback for the property located at 1941 W. Terra Mar Drive (RS-4 Broward County Zoning District) (Linda Connors Town Planner)

Town Planner Linda Connors explained that this property is in the annexed portion of the Town and currently follows the Broward County Zoning Code from the time of its annexation is 2001. She said that the applicants want to construct a single-family home. The total square footage for the proposed home is 5,645, excluding covered patios. The plans also include a pool and an outside kitchen. They are requesting relief from the requirements of Section 39-287 to encroach into the rear setback. The rear setback in the Broward County Zoning Code is 15 feet. They propose 5 feet and were asking for 10 feet reduction of the required setback. Ms. Connors explained that there was a typo in the zoning requirement document sent by the Town to the

applicants' architect which incorrectly stated the rear setback in the Broward County Zoning Code was 5 feet. The Town did correct the information and re-sent it to them. Town Planner Connors read into the record the portion of the Town Code, Section 30-7 (b), that has to do with an act or omission by Town employees or its contractors in the interpretation or administration of the Code is not binding if the act or omission results in an incorrect interpretation or application of the Code. She said it is supported by case law.

Town Planner Connors said the applicant is required to meet the hardship test for their requested variance. Section 30-127 of the Town Code provides that a variance application shall be evaluated by considering seven different criteria. She explained what the seven criteria were, how the applicant justified and answered the seven criteria, and staff's discussion and findings as to whether the seven different criteria have been met. She stated that staff researched the properties in the area and selected a sample group to review for compliance with the Code's rear setback requirements. The properties that staff reviewed met the requirements of this section of the code. She concluded that staff found that the criteria to grant the variance have not been met. Staff recommended denial of the variance. However, if the Board of Adjustment recommends approval of the variance, Town Planner Connors read the conditions into the record which Staff recommended to be included in granting the variance. This concluded her presentation and there were no Board questions at this time.

Eric Mills, Virtual Design Group, said he was from the applicants' architectural firm. He was present this evening to represent Mr. and Mrs. Duong. Because the applicants did not know if they were going to sell the Lauderdale-By-The-Sea property for a large home in Boca Raton, his firm contacted the Town to find out the zoning criteria for maximum lot coverage on the L-B-T-S property. When they received the information from the Town, they did their own research and aerial photography. He gave the Board Members copies. He said that Mr. and Mrs. Duong decided not to buy the home in Boca Raton and committed to build on this property based on his firm's design criteria. It was not until the permitting process that they realized there was an error in the setback information sent by the Town. He said that other homes in that area have a similar setback and they were asking for the same treatment and to be granted the variance for the 5 feet rear setback. He said that the home they are proposing fits into the high standards of the neighborhood. The front setback will be equal to the other homes and the rear setback will not be seen from the street. Ms. Capotosto clarified that the setback Mr. Mills pointed out on the other house was the side setback and not the rear setback. Mr. Mills said that he was not able to get plans through the County. Ms. Zaumeyer asked about Google Earth shots and Mr. Mills said that was as far as Google Earth would let him zoom in. Mr. Mills answered Ms. Capotosto that the encroachment would be for the full two-stories of the house. Both the lanai and the pool would be in the encroachment but he can push the pool back to 8 feet. Ms. Capotosto asked for a copy of the general floor plan. Ms. Zaumeyer was answered that the pool edge is 5 feet from the seawall. Mr. Mills said they were willing not to ask for the variance for the pool. Town Attorney Susan Trevarthen said for the record that the applicant has submitted two aerial photos that the Clerk would enter into the record and that members of the Board were reviewing plans for the residence. Mr. Mills stated that there were no objections to the conditions Ms. Connors suggested, if the Board recommended the variance. Ms. Capotosto was answered that the plans reflect full lot line to lot line. All the other setbacks were maximized. As there were no more Board questions for Mr. Mills, the Acting Chair opened the meeting up to public comments.

Anthony Giordano, neighbor, is in the process of buying the house at 1921 W. Terra Mar Drive. He has no objection to the variance. He answered Ms. Capotosto that it is the house to the right of the subject property. As there were no other public comments, the Acting Chairperson closed

public comments. Town Attorney Susan Trevarthen asked Ms. Booth if there were questions for Staff. Ms. Capotosto asked Ms. Connors about the pool being close to the seawall. Ms. Connors answered that the pool did not show its dimension and did not show how far it was from the property line. Ms. Capotosto said it looks like it is 2 to 4 feet from the house. Ms. Connors said 2 to 3 feet at most. Acting Chairperson Booth wanted to know if the applicant was given the option to amend the variance application and bring it to the November meeting. Ms. Connors said the variance tonight is only for the house. She said that the applicant wanted to move forward and present tonight just the request for the variance for the home. The pool would not be determined tonight and there were additional zoning reviews to be made. The Town has not received a full set of plans. Therefore, it was not reviewed 100% for compliance with the Town's Code. Ms. Capotosto was answered by Ms. Connors that anytime a variance is approved, it opens the door for other people's variances. From a legal standpoint, Ms. Trevarthen said that they are not precedential and do not provide evidence that someone else would receive the same treatment. However, when a variance is granted, it does suggest to people that more may be granted. This 15 feet rear setback has been in the Code since 1998. There are different setbacks in the neighborhood because houses have been built prior to 1998 and there were different standards when the County built in that area. Today's decision is on a request for a variance from the 15 feet rear setback on new construction. Ms. Trevarthen further clarified that Staff did not find any basis for the variance and did not recommend approval. The decision tonight was up to the Board. Acting Chairperson Booth asked the Town Attorney to clarify what the motion should be tonight. Ms. Trevarthen said that the Board either recommends to Town Commission that the variance be approved or denied. If the Board approves, it would be good to note which of the criteria the Board felt were met.

Carolyn Zaumeyer made a motion to recommend to Town Commission denial of the variance. The motion was seconded by Sandra Booth (who it was considered passed the gavel in order to second the motion). The motion carried 3-0. The record would show that there were three votes in favor of the motion to deny the variance in accordance with Staff's recommendation.

Town Planner Linda Connors said that Staff's Report would reflect the motion tonight was a recommendation by the BOA to the Town Commission for denial to allow an encroachment into the rear setback for the property located at 1941 W. Terra Mar Drive. This application would go before the Town Commission on October 14, 2014 at 7:00PM.

#### OLD BUSINESS

Ms. Connors said there was no old business to report. She further stated there would not be a BOA November meeting as they have not received any applications.

#### UPDATES/BOARD MEMBER COMMENTS

There were no updates or comments.

ADJOURNMENT

As there was no other business to discuss and without objection, Acting Chairperson Booth adjourned the meeting at 6:44PM.

\_\_\_\_\_  
Acting Chairperson Sandra Booth

ATTEST:

Date Accepted: \_\_\_\_\_

\_\_\_\_\_  
LC



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

PROJECT NAME: Duong Residence  
ADDRESS OF PROPERTY: 1941 West Terra Mar Drive  
PROPERTY OWNER: Truong and Lilianne Duong  
OWNER ADDRESS: 5300 N Powerline Road #202, Fort Lauderdale, FL 33309  
APPLICANT: Truong and Lilianne Duong

REQUEST: To allow a variance from Sections 39-287 of the Broward County Code to permit a rear yard setback of 5 feet where 15 feet is required pursuant to Sections 30-127, “Variance Procedures and Requirements”, and Section 30-140, 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 October 14, 2014, 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 not promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood and further, that the application does not meet all of the criteria in Section 30-127, as follows:

1. There are not special conditions and circumstances 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 not 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 do not result in a particular hardship upon the owner, as distinguished from a mere inconvenience.
4. The hardship is self-created.
5. The variance is not 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. The failure to grant a variance will not create a financial hardship so as to render the property unusable as a permitted use in the zoning district in which the property lies.

SECTION 2. DENIAL. The request to permit a rear yard setback 5 feet where 15 feet is required is hereby denied.

SECTION 3. APPEAL. In accordance with Section 30-113(f)(5) 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 Civil Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**MAYOR SCOT SASSER**

**ATTEST:**

\_\_\_\_\_

**Approved as to form:**

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



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

PROJECT NAME: Duong Residence  
ADDRESS OF PROPERTY: 1941 West Terra Mar Drive  
PROPERTY OWNER: Truong and Lilianne Duong  
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1. There are special conditions and circumstances 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 not 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. The failure to grant the variance will create a financial hardship so as to render the property unusable as a permitted use in the zoning district in which the property lies.

SECTION 2. APPROVAL. The request to permit a rear yard setback 5 feet where 15 feet is required is hereby approved as shown on the site plan dated 08/22/2014 attached as Exhibit 1 except as modifications may be required by the Building Official.

SECTION 3. CONDITIONS. In the event the Commission approves the request, the APPROVAL is subject to the following conditions:

1. Failure of the applicant to secure a building permit that meets all zoning requirements, excluding the rear setback, for the new construction within 180 days of the approval of the variance development order shall terminate the variance without any action.
2. Town Manager may approve one (1) extension of up to 90-days to the permit deadline if she determines that sufficient progress is being made toward securing development approvals.
3. All applicable state and federal permits must be obtained before commencement of the development.

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 30-113(f)(5) 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 Civil Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**MAYOR SCOT SASSER**

**ATTEST:**

\_\_\_\_\_  
**Approved as to form:**

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

NEW SINGLE FAMILY RESIDENCE

MR. & MRS. DUONG  
1941 W TERRA MAR DRIVE  
LAUDERDALE BY THE SEA, FL

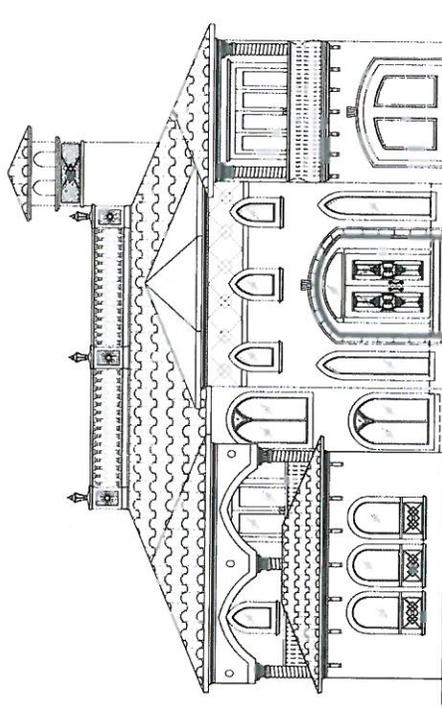


EXHIBIT 1



ARCHITECTURAL DESIGN, ENGINEERING  
MECHANICAL ELECTRICAL PLUMBING ENGINEER



STRUCTURAL ENGINEER

NEW SINGLE FAMILY RESIDENCE  
MR. & MRS. DUONG  
1941 W TERRA MAR DRIVE  
LAUDERDALE BY THE SEA, FL

ISSUE DATE: 08/20/14  
DATE BY: AN-20  
APPROVED BY: [Signature]  
PROJECT NO.: 13485  
SCALE:

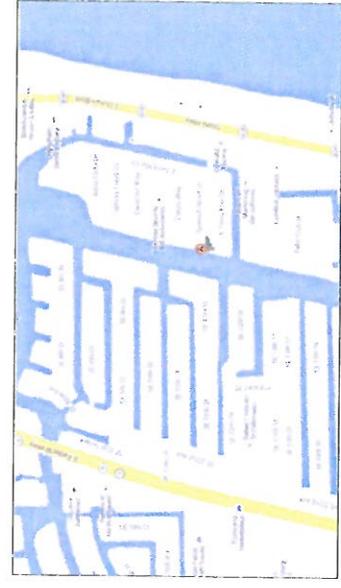
REGISTERED PROFESSIONAL ENGINEER  
STATE OF FLORIDA #141028  
RES. A. DUONG, P.E. (10/15/03) (06/14/14)  
REGISTERATION AND SEAL ARE THE PROPERTY OF THE ENGINEER AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THE DRAWING. ANY OTHER USE WITHOUT THE ENGINEER'S APPROVAL IS STRICTLY PROHIBITED. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ENGINEER.

Item No. 14.a.

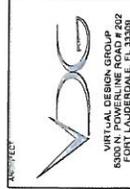
CVR



AERIAL MAP NTS



LOCATION MAP NTS



VIRTUAL DESIGN GROUP  
 8300 N. POWERLINE ROAD # 202  
 FORT LAUDERDALE, FL 33309  
 (954) 858-3300  
 (954) 858-3000

ARCHITECTURAL DESIGN - ENGINEERING  
 RICHARD E. VETROCK, P. LINDA FRISNER  
 VDC  
 5300 N. POWERLINE ROAD # 202  
 FORT LAUDERDALE, FL 33309  
 (954) 858-3300  
 (954) 858-3000



STRUCTURAL ENGINEER  
 MDP ENGINEERING INC  
 1400 N. W. 10TH ST. SUITE 100  
 BOCA RATON, FL 33431  
 (561) 993-1100  
 LIC # CA23185  
 WWW.MDPENGINEERING.COM

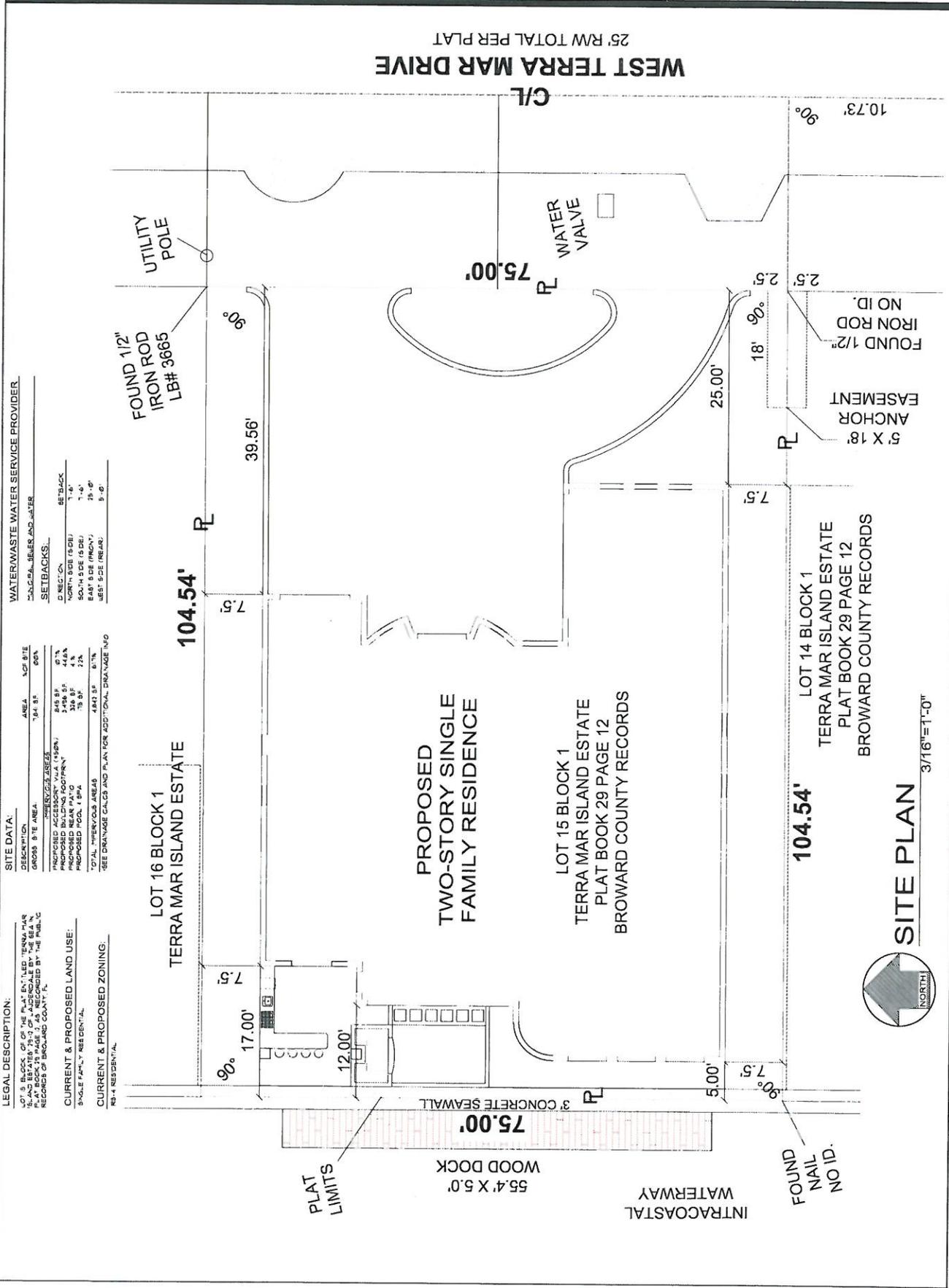
PROJECT OWNER  
 NEW SINGLE FAMILY RESIDENCE  
 MR. & MRS. DUONG  
 1841 W. TERRA MAR DRIVE  
 LAUDERDALE BY THE SEA, FL

ISSUE DATE: 2/27/14  
 DRAWN BY: AN. FL.  
 APPROVED BY: [Signature]  
 PROJECT NO: 13-009  
 S.A.

WOOD 11 FIRM REGISTERED ARCHITECT  
 STATE OF FLORIDA 141578  
 ALL DESIGN DRAWINGS SHOWN ON THIS SET ARE THE PROPERTY OF VIRTUAL DESIGN GROUP. NO PART OF THESE DRAWINGS OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF VIRTUAL DESIGN GROUP. ALL DOCUMENTS ARE TO BE LAMINATED AND MUST BE PROTECTED BY A CLEAR POLYESTER FILM.

Item No. 14.a.

SP-1



WATERWASTE WATER SERVICE PROVIDER

SETBACKS	SETBACK
D. SECTION	7.40'
NORTH SIDE (S/D)	1.40'
SOUTH SIDE (S/D)	1.40'
EAST SIDE (F/NOV)	15.00'
WEST SIDE (REAR)	5.00'

SITE DATA

DESCRIPTION	AREA	% OF SITE
GRASS SITE AREA	7,641.85	0.6%
PROPOSED ACCESSORY V.A. (158%)	848.95	0.7%
PROPOSED REAR PATIO	338.87	4.4%
PROPOSED POOL (8' x 12')	96.00	1.2%
TOTAL IMPERVIOUS AREAS	4,843.57	8.1%

SEE DRAINAGE CALC'S AND PLAN FOR ADDITIONAL DRAINAGE INFO

LEGAL DESCRIPTION:  
 LOT 16, BLOCK 1 OF THE PLAT ENTITLED "TERRA MAR ISLAND ESTATE", BEING PART OF PLAT BOOK 29 PAGE 12, AS RECORDED BY THE PUBLIC RECORDS OF BROWARD COUNTY, FL.

CURRENT & PROPOSED LAND USE:  
 SINGLE FAMILY RESIDENTIAL

CURRENT & PROPOSED ZONING:  
 RS-4 RESIDENTIAL



SITE PLAN  
 3/16"=1'-0"

104.54'  
 LOT 14 BLOCK 1  
 TERRA MAR ISLAND ESTATE  
 PLAT BOOK 29 PAGE 12  
 BROWARD COUNTY RECORDS

PROPOSED TWO-STORY SINGLE FAMILY RESIDENCE

LOT 15 BLOCK 1  
 TERRA MAR ISLAND ESTATE  
 PLAT BOOK 29 PAGE 12  
 BROWARD COUNTY RECORDS

LOT 16 BLOCK 1  
 TERRA MAR ISLAND ESTATE

WEST TERRA MAR DRIVE  
 25' RM TOTAL PER PLAT

FOUND 1/2" IRON ROD NO ID.  
 EASEMENT  
 ANCHOR  
 5' X 18'

FOUND 1/2" IRON ROD LB# 3665

WATER VALVE

PLAT LIMITS

WOOD DOCK 55.4' X 5.0'

INTRACOASTAL WATERWAY

FOUND NAIL NO ID.





VIRTUAL DESIGN GROUP  
ARCHITECTURAL DESIGN & ENGINEERING  
FORT LAUDERDALE, FL 33309  
(954) 838-3060  
(954) 838-3065  
WWW.VDE-ARCHITECT.COM

ARCHITECTURAL DESIGN & ENGINEERING  
MECHANICAL, ELECTRICAL, PLUMBING ENGINEER  
VDE  
5300 N. POWERS BLVD. SUITE 200  
FORT LAUDERDALE, FL 33309  
(954) 838-3060  
LIC. # CA28165  
STRUCTURAL ENGINEER  
MOTION ENGINEERING CO. INC.



1300 FORT LAUDERDALE BLVD.  
SUITE 100, D.F.W. C.C.  
BOCA RATON, FLORIDA 33434  
LIC. # CA28165  
PROJECT OWNER

NEW SINGLE FAMILY  
RESIDENCE

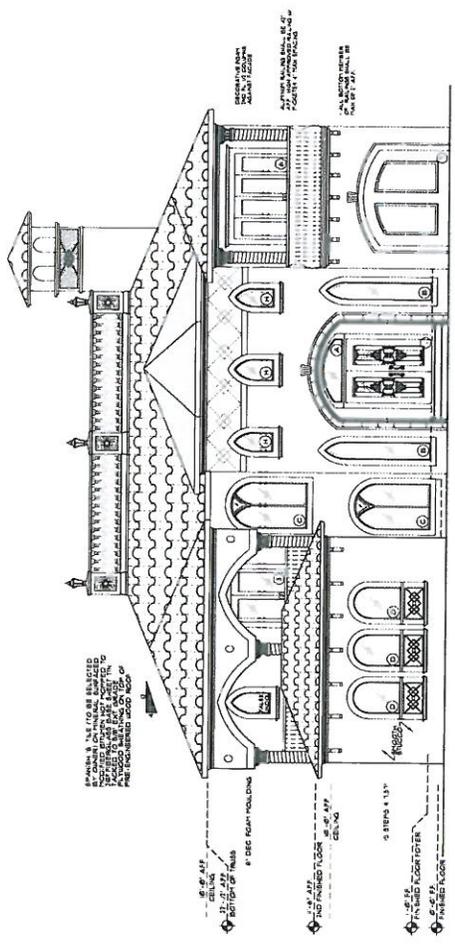
MIR & MRS. DUONG  
1841 NW 18TH AVENUE  
LAUDERDALE BY THE SEA, FL

PROJECT NUMBER: 19488  
DATE: 08/14/19  
DRAWN BY: MVA/JL  
CHECKED BY: MVA/JL  
PROJECT NO.: 19488  
S.E.A.

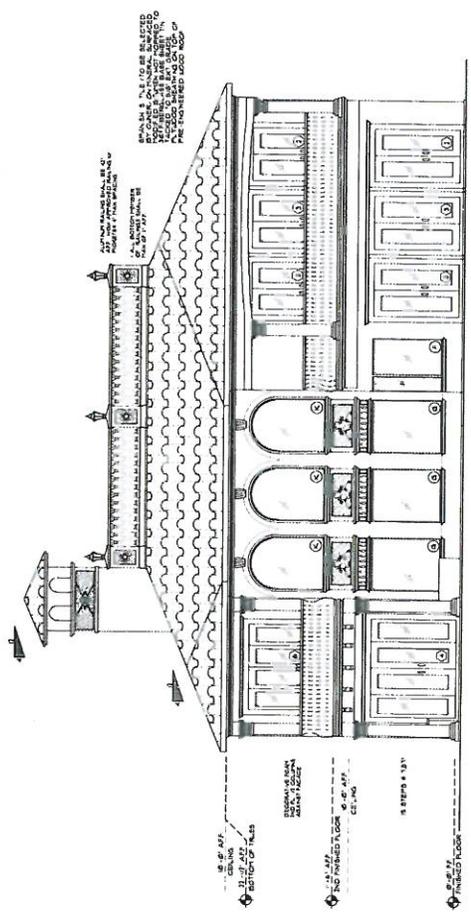
WOODY H. FRISSE REGISTERED ARCHITECT  
STATE OF FLORIDA P.A.R. 34218

WOODY H. FRISSE REGISTERED ARCHITECT  
STATE OF FLORIDA P.A.R. 34218  
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INCLUDING PHOTOCOPYING, RECORDING,  
OR BY ANY INFORMATION STORAGE AND  
RETRIEVAL SYSTEM, WITHOUT THE  
WRITTEN PERMISSION OF THE ARCHITECT.

A-2



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



REAR ELEVATION 1/4"=1'-0"



**VDC**  
 VIRTUAL DESIGN GROUP  
 5320 N. POWERLINE ROAD # 202  
 FORT LAUDERDALE, FL 33309  
 (754) 938-3380  
 (754) 938-3382

LIC #AA280028  
 ARCHITECTURAL DESIGN - ENGINEERING  
 MECHANICAL ELECTRICAL PLUMBING ENGINEER

**VDC**  
 VIRTUAL DESIGN GROUP, P.C.  
 5320 N. POWERLINE ROAD # 202  
 FORT LAUDERDALE, FL 33309  
 (754) 938-3380



LIC #CA28185  
 STRUCTURAL ENGINEER  
 MDP  
 1100 E. ENGINEERING PL.  
 650 W. 19th ST. W. # 2  
 BOCA RATON, FLORIDA 33434

PROJECT OWNER  
 J.C. GABLE

**NEW SINGLE FAMILY RESIDENCE**  
 MR & MRS DUONG  
 1941 W TERRA MAR DRIVE  
 LAUDERDALE BY THE SEA, FL

SCALE DRAWING FOR  
 2/21/14

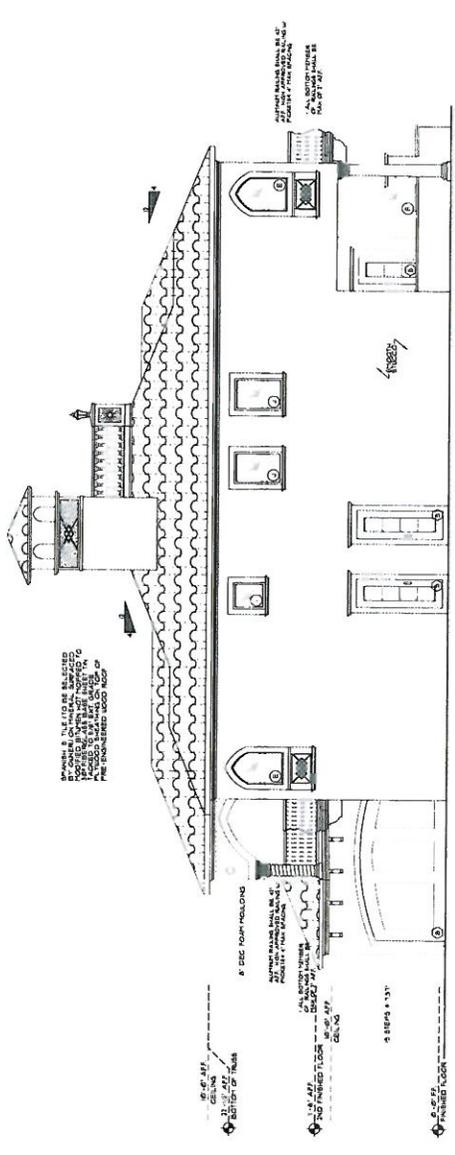
DESIGNED BY: M.D.P.  
 APPROVED BY: M.D.P.

PROJECT NO. 13489

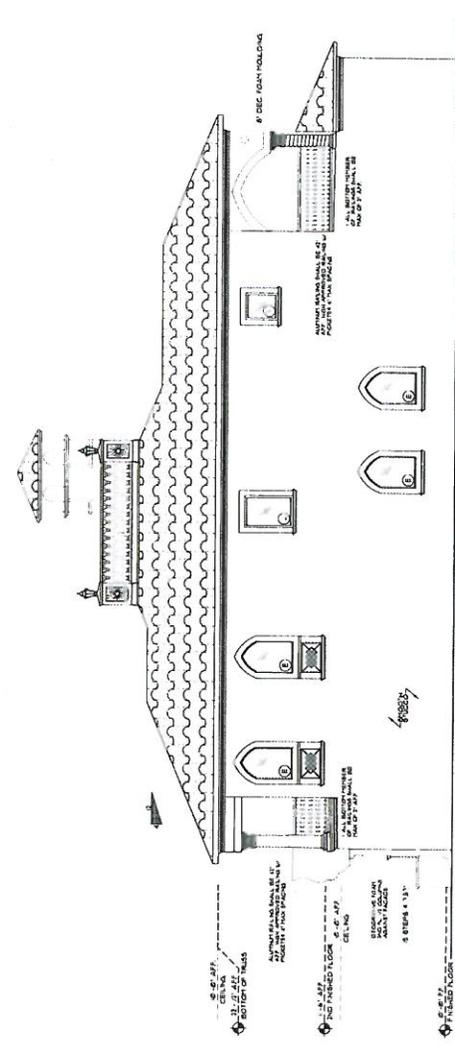
SEA.

1000111 FLSBE REGISTERED ARCHITECT  
 STATE OF FLORIDA PAR-128

62-1. A. OFFSHORE DRAWINGS PLANNING  
 PERMITTED BY THE STATE OF FLORIDA  
 PROPERTY OF VIRTUAL DESIGN GROUP, INC.  
 THESE DRAWINGS ARE THE PROPERTY OF  
 VIRTUAL DESIGN GROUP, INC. AND ARE NOT  
 TO BE REPRODUCED OR TRANSMITTED IN  
 ANY FORM OR BY ANY MEANS, ELECTRONIC  
 OR MECHANICAL, INCLUDING PHOTOCOPYING,  
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 STORAGE AND RETRIEVAL SYSTEM, WITHOUT  
 THE WRITTEN PERMISSION OF VIRTUAL  
 DESIGN GROUP, INC.



RIGHT ELEVATION  
 1/4"=1'-0"



LEFT ELEVATION  
 1/4"=1'-0"



**Agenda Item Memorandum**

**Finance**

Department

**Tony Bryan**

Department Director

**COMMISSION MEETING DATE - 7:00 PM**

October 14, 2014– Regular Meeting 7:00 PM

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

**FY2014 – PART OF THE STRATEGIC PLAN**

**SUBJECT TITLE:      Bus Contract**

**EXPLANATION:**

In April 2011 the Town piggy-backed a Hillsboro Beach contract for community bus service to operate the Pelican Hopper shuttle at a rate of \$33.15 per hour. The term of the original contract expired on October 31, 2013 and we exercised the first of three one-year extension options in August 2013.

In July 2014, Limousines of South Florida requested to extend the contract for an additional year (i.e., through October 31, 2015), but asked for a \$3 per hour increase in compensation.

I called Mark Levitt (the executive from Limousines of South Florida who sent the renewal letter) to clarify his request and to explain that his request is a modification of the original agreement rather than an extension of it as the contract has no provisions for an increase in rates. He told me that Limousines of South Florida is very interested in continuing to do business with the Town, but they are not willing to extend the agreement for another year at the same price. Additionally, Mr. Levitt indicated to me that if we were to issue an RFP for shuttle service they will submit a bid, but their bid will likely be more than the \$36.15 per hour they are requesting now.

Prior to talking to Mr. Levitt, I contacted Broward County Transit Officer Irv Minney, who coordinates the community bus program for the County to see what other cities are paying for their buses. Mr. Minney advised that \$36.15 is an extremely competitive rate for a municipality operating one shuttle. We have learned that the City of West Park, which also operates one shuttle, recently issued an RFP for their Community Shuttle (in May 2014) and awarded the contract to Limousines of South Florida was at a rate of \$54 per hour.

We are satisfied with the service we receive from Limousines of South Florida and included sufficient funds in the FY 15 budget to cover the increase they are requesting. Given that our research shows we will very likely to have to pay higher rates if we decline South Florida Limousines' request and put the service back out an RFP, we recommend that the Town Commission waive the purchasing manual requirements and authorize an amendment to the existing agreement with Limousines of South Florida to increase their compensation to \$36.15 per hour.

If the Town Commission prefers that we issue an RFP, Limousines of South Florida has agreed to extend the existing agreement by 90 days so that service is not interrupted.

**RECOMMENDATION:**

We recommend that the Town Commission waive the purchasing manual requirements and direct staff to amend the existing agreement with Limousines of South Florida to increase their compensation to \$36.15 per hour.

---

**EXHIBITS**

1. Agreement with Limousines of South Florida Dated April 18, 2011.
2. Exhibit 2 Extension of Agreement with LSF through Oct 31, 2014
3. Exhibit 3 Letter from Mark Levitt dated July 25, 2014

**AGREEMENT FOR BUS TRANSPORTATION SERVICES**

This Agreement between the Town of Lauderdale-By-The-Sea and Limousines of South Florida, Incorporated (this "Agreement") is made and entered into as of April 18<sup>th</sup>, 2011, by and between the Town of Lauderdale-By-The-Sea, Florida, a municipal corporation of the State of Florida (the "Town") and Limousines of South Florida, Incorporated, a Florida corporation with its principal place of business at 2595 N.W. 38<sup>th</sup> Street, Miami, FL 33142 (the "Contractor").

**WITNESSETH**

**WHEREAS**, the Town wishes to enter into an Agreement with Contractor to provide bus transportation services for the Pelican Hopper within the Town; and

**WHEREAS**, the parties wish to incorporate the terms and conditions of the contract between the Town of Hillsboro Beach and Contractor dated on or about December 1, 2010 (the "Hillsboro Beach Agreement") and in accord with the Town of Hillsboro Beach Request for Proposal Number 2010-03 (the "RFP"); and

**WHEREAS**, Section IV(G) of the Town's Purchasing Manual provides authority for the Town to use cooperative purchasing as an exception to the otherwise required formal bidding process.

**NOW THEREFORE**, in consideration of the mutual covenants set forth in this Agreement, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

**Section 1.**     **Term.** The term of this Agreement commences upon full execution hereof and continues through October 31, 2013. Renewal and termination provisions are included in the Hillsboro Beach agreement.

**Section 2.**     **Contract Terms.** This Agreement, the Town's Interlocal Agreement with Broward County for Public Transportation Services (as amended), the Hillsboro Beach

Agreement, the RFP and the Contractor's response to the RFP (collectively, the "contract documents") are hereby incorporated together herein, constitute integral parts of this Agreement, and collectively represent the entire agreement between the parties hereto. The Contractor agrees to operate a community bus service upon the rates and terms set forth and in accordance with the contract documents. In the event of conflict between or among the contract documents, the order of priority shall be as listed above.

**Section 3. Assignment.** Neither party may assign its rights or obligations under this Agreement without the consent of the other.

**Section 4. Notice.** Notice hereunder shall be provided only in writing and transmitted only by facsimile or customarily used overnight transmission with proof of delivery.

For TOWN: Constance Hoffmann, Town Manager  
Town of Lauderdale-By-The-Sea  
4501 N. Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308  
Telephone: 954-776-0576  
Facsimile: 954-776-1857

Copy to: Susan L. Trevarthen, Esq.  
Town Attorney  
200 East Broward Blvd. Suite 1900  
Fort Lauderdale, Florida 33301  
Telephone: 954-763-4242  
Facsimile: 954-764-7700

For CONTRACTOR: Vasti Amaro  
Limousines of South Florida  
~~2595 N.W. 38<sup>th</sup> Street~~ 3300 SW 11th Ave  
Miami, FL 33142 Fort Lauderdale, Fl. 33315

**Section 5. Severability.** This Agreement sets forth the entire agreement between Licensor and Town with respect to the subject matter of this Agreement. This Agreement

supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, between the parties. This Agreement may not be modified except by the parties' mutual agreement set forth in writing and signed by the parties.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms and conditions above stated on the day and year first above written.

TOWN:

By: [Signature]  
Constance Hoffmann, Town Manager

Date: 4-18-2011

Approved as to form and legal sufficiency for the use and benefit of Lauderdale By-The-Sea:

By: [Signature]  
Town Attorney

Date: 4-14-2011

Attest:

By: [Signature]  
Town Clerk

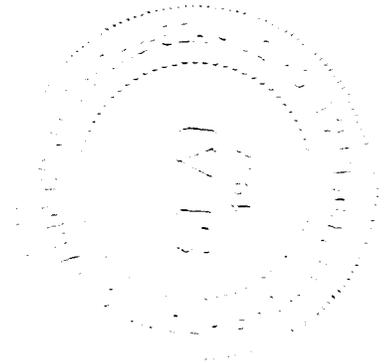
Date: 4-18-2011

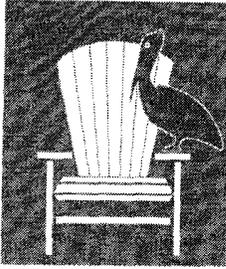
CONTRACTOR:

By: Vasti Amaro / Kati Amaro

Its: Sr. Vice President

Date: 3/29/11





LAUDERDALE  
BY-THE-SEA  
RELAX...YOU'RE HERE

Town of  
**LAUDERDALE-BY-THE-SEA**

4501 Ocean Drive, Lauderdale-by-the-Sea, Florida 33308-3610  
Telephone: (954) 640-4200/ Fax (954)776-1857

August 14, 2013

*Sent Via Certified Mail*

Thomas Stringer, Senior Vice President  
Limousines of South Florida, Inc.  
3300 SW 11<sup>th</sup> Avenue  
Fort Lauderdale, Florida 33315

**Subject: Bus Transportation Services - Renewal of Existing Agreement**

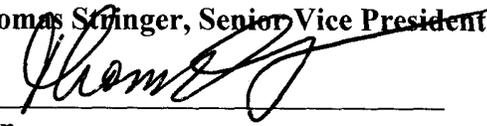
Dear Mr. Stringer,

I would like to inform you that the Town of Lauderdale-By-The-Sea would like to renew your existing agreement with the Town for bus transportation services for (1) additional year. The term of this agreement shall commence on November 1, 2013 and shall remain in effect through October 31, 2014. If you agree to the terms and conditions of the existing agreement, please sign and date this letter and return the original to me.

Regards,

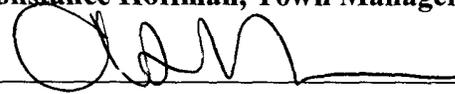
Constance Hoffmann  
Town Manager

~~Thomas Stringer, Senior Vice President~~

X   
Sign

9/12/13  
Date

Constance Hoffman, Town Manager

X   
Sign

8/14/2013  
Date



July 25, 2014

Town of Lauderdale by the Sea  
4501 N. Ocean Drive  
Lauderdale By The Sea, FL 33308

Atten: Constance Hoffmann, Town Manager

RE: Expiration of Agreement with Limousines of South Florida, Inc.

Dear Ms. Hoffmann,

Limousines of South Florida, Inc. has had the pleasure of serving the Town of Lauderdale By The Sea in the total turn-key operation of the Lauderdale by the Sea Community Bus Service since April, 2011. Our current Agreement on page 1, Section 1 provides for the term of the agreement to expire on October 31, 2013 and renewal provisions are included in the Hillsboro Beach Agreement. The Hillsboro Beach Agreement requires a 90 day notice prior to expiration, therefore please consider this letter a timely notice.

The original Agreement expired on October 31, 2013 and was extended for one additional year at the same original hourly rate. Limousines of South Florida, Inc. would like to extend this agreement for an additional one (1) year period at an increased rate of \$3.00 per operating hour or \$36.15 per operating hour pursuant to article 2.1 of the Hillsboro Beach Agreement. The proposed rate increase represents only a 9% increase over the total 3.5 year period.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Levitt", is written over the word "Respectfully,".

Mark Levitt, Vice President

cc: Susan L. Trevarthen, Esq.

**3300 S.W. 11 Avenue  
Fort Lauderdale, Florida 33315  
Phone: (954) 463-0845**



**Agenda Item Memorandum**

**Development Services**

Department

**Linda Connors**

Town Planner/Asst. Development Services Director

**COMMISSION MEETING:** October 14, 2014 – 7:00 PM

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

**FY2014 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: Selection of Consultant(s) for Planning Services (RFP No. 14-07-02)**

**EXPLANATION:** Within the next two (2) years, the Town has a number of large planning issues that need to be addressed such as:

1. Preparing the Town’s Evaluation and Appraisal report (State Mandate);
2. Preparing Comprehensive Plan amendments (State Mandate);
3. Integrating annexed areas into the Town’s zoning code (Town Strategic Plan);
4. Updating parking regulations to integrate recommendations from the Town’s parking study (Town Strategic Plan);
5. Preparing architectural guidelines for non-Mid-Century Modern properties (Town Strategic Plan);
6. Update the Town’s landscape code (Town Strategic Plan); and
7. Evaluate the Town Code and propose amendments to improve the Town’s administration of surface water management and drainage (Town Strategic Plan).

We need to select consultants to accomplish this work because the work involved in completing these projects and the time required for daily planning services exceeds our in-house resources.

The Town had planning services contracts; however, they expired so we published a new Request for Proposal (**RFP**) to select a firm(s) to work with staff to complete these items (**Exhibit 1**). Six (6) firms responded to the RFP. We provided a list of the responding firms to the Commission in September. The Selection Committee (Town Manager, Town Planner and Planning Technician) held two (2) public meetings in which they evaluated the proposals for responsiveness to the RFP, experience and fit with our community. The firms were then ranked with the Committee recommending the selection of the four (4) firms in Table 1 (**Exhibit 2**). Their established hourly rate is included in the table below:

**TABLE 1**

<b>Firm</b>	<b>Hourly Professional Rate (Planners Only)</b>
JC Consulting Enterprises, Inc.	\$150
Linda Strutt Consulting, Inc.	\$125
Calvin Giordano and Associates, Inc.	\$175/\$135/\$125
The Mellgren Planning Group	\$180/\$160/\$95/\$75

The consultant submittals are available for review at the Town Clerk’s office.

The RFP was written anticipating that we would select multiple consultants because there are a wide variety of planning issues to be addressed and we believe that it is important to have the flexibility to pick a firm whose strength matches the task at hand and to ensure that we can get the work done on our time schedule.

**RECOMMENDATION:** Staff recommends the Commission select the following firms for planning services and direct the Town Manager to negotiate professional services agreements with the approved firms:

- JC Consulting Enterprises, Inc.
- Linda Strutt Consulting, Inc.
- Calvin Giordano and Associates, Inc.
- The Mellgren Planning Group

Since these firms may earn over \$15,000 per fiscal year, the negotiated agreements will be scheduled for Commission approval.

**EXHIBITS:** 1 – RFP  
2 – Meeting Minutes

Reviewed by Town Attorney  
 Yes     No

# **Town of Lauderdale-By-The-Sea**



## **REQUEST FOR PROPOSALS**

**No. 14-07-02**

**for**

## **PLANNING SERVICES**

**RFP OPENING: September 18, 2014, at 2:00 P.M.**

**Town Hall**

**4501 Ocean Drive**

**Lauderdale-By-The-Sea, FL 33308**

**TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA  
REQUEST FOR PROPOSALS NO. 14-7-2**

The Town of Lauderdale-By-The-Sea, Florida invites qualified firms to submit proposals to provide:

**PLANNING SERVICES**

The Town of Lauderdale-By-The-Sea, Florida (the “Town”) will receive sealed proposals until 2:00 P.M. (local), September 18, 2104 in Town Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308.

**The Town’s contact person for this RFP is:**

**Bud Bentley, Assistant Town Manager**  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308  
Telephone: 954-640-4212  
Fax: 954-640-4236  
Email: ATM@LBTS-fl.gov

RFP documents may be obtained via the Internet at the Town of Lauderdale-By-The-Sea website at [www.lauderdalebythesea-fl.gov](http://www.lauderdalebythesea-fl.gov) and this RFP is posted on [www.Demandstar.com](http://www.Demandstar.com). If you do not have internet access, you may obtain the documents by contacting the Town Clerk. See Part II, Section H of this RFP for information regarding submitting a proposal.

The Town reserves the right to reject proposals with or without cause and for any reason, to waive any irregularities or informalities, and to solicit and re-advertise for other proposals. Incomplete or non-responsive proposals may be rejected by the Town as non-responsive. The Town reserves the right to reject any proposal for any reason, including, but without limitation, if the Proposer fails to submit any required documentation, if the Proposer is in arrears or in default upon any debt or contract to the Town or has failed to perform faithfully any previous contract with the Town or with other governmental jurisdictions. All information required by this RFP must be supplied to constitute a proposal.

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**PLANNING SERVICES**

Town of Lauderdale-By-The-Sea RFP No. 14-7-2

Part I – Statement of Work

**PART I - STATEMENT OF WORK**

*A. OBJECTIVE*

The Town of Lauderdale-By-The-Sea desires to contract with multiple qualified planning consultants to provide planning services.

*B. INFORMATION ABOUT THE TOWN OF LAUDERDALE-BY-THE-SEA*

The Town of Lauderdale-By-The-Sea is a coastal community of about 6,000 year round residents, and a winter seasonal population of twice that amount. The Town is bounded by Terra Mar Island on the north, Fort Lauderdale’s Galt Ocean Mile area to the south, the Atlantic Ocean on the east, and the Intracoastal Waterway on the west.

The Town annexed two areas in the early 2000’s, which nearly doubled the Town’s acreage and population. The annexation agreement required that the Town utilize Broward County zoning regulations until such time that the annexed property was included in our comprehensive plan. To date, this has not been accomplished. The Town’s EAR is due September 2015.

The Town Development Services Department has one full time planning position (Town Planner) that is responsible for managing the Town’s development process. In addition, the Town has one part time planning technician. The Town Engineer (contractual position) provides GIS services and will be available to assist with the mapping requirements of the comprehensive plan.

*C. SCOPE OF WORK*

The Contractor shall perform research, planning and technical analysis for complex planning projects and conduct long-range planning studies on such subjects as water quality, sign control, community facilities, coastal zone management, environmental protection, and land preservation.

The Contractor shall review and process applications for site plans, plats and other similar development applications for compliance with regulations and policies, and suggest revisions to projects that would improve the project and assist developers in meeting the Town’s code or objectives.

The Contractor may be required to attend Planning and Zoning Board, Board of Adjustment or Town Commission meetings to present work product.

**PLANNING SERVICES**

**Town of Lauderdale-By-The-Sea RFP No. 14-7-2**

**Part I – Statement of Work**

A partial list of projects to be started or accomplished within the next two years include:

1. Prepare an Evaluation and Appraisal Report as required by the State of Florida (by September 2015). Assist in the preparation of Comprehensive Plan Amendments within the statutory deadline.
2. Integrate annexed areas into Zoning Code (Requires amendment(s) to comprehensive plan and zoning map)
3. Update parking regulations to integrate recommendations from the Town’s Parking Study: issues may include but are not limited to valet parking, use of parking lots, tandem parking, and payment-in-lieu (of providing required parking). (Theme #3, page 30 of the Town Strategic Plan)
4. Revise the parking requirements to allow some bicycles and low speed vehicle (LSV) parking spaces to meet some of the required parking. (Theme # 5, page 39 of the Town Strategic Plan)
5. Prepare architectural design guidelines for non-MiMo properties. (Theme #3, page 33 of the Town Strategic Plan)
6. Improve the Town's landscape code for commercial properties. (Theme #3, page 33 of the Town Strategic Plan). The full landscape code needs to be updated - include Xeriscaping and CPTED requirements and then incorporate requirements into the Architectural Design Guidelines.
7. Assure Town code considers aesthetics of the rear of commercial buildings and protects residential neighborhoods from excessive noise. (Theme # 2, page 21 of Town Strategic Plan)
8. Prepare a Code amendment that requires that existing vistas to the ocean be maintained and restored during renovation, if possible (Theme #2, page 23), and new vistas to the ocean are established in new development or redevelopment proposals. (Theme #5, page 38)
9. Evaluate Town Code and propose amendments to improve Town administration of surface water management and drainage.

The services to be performed by the Contractor will be on an as-needed basis at the request of the Town.

**D. TECHNICAL REQUIREMENTS**

In order to be deemed responsive and considered for contract award, each Proposer shall satisfy the following mandatory minimum requirements:

1. Have at least five years’ experience in providing similar planning services to the services requested in the Scope of Work. (In the event the firm has not existed for five years, but at least one principal and the individual who is proposed to be assigned as a planning consultant have the required five years’ experience, that firm shall be considered to have met this requirement.)

**PLANNING SERVICES**

Town of Lauderdale-By-The-Sea RFP No. 14-7-2

Part I – Statement of Work

2. The planning consultant proposed to be assigned to this contract shall be fully qualified to perform all of the services anticipated in this RFP, and shall have and maintain all necessary and appropriate Florida licenses for the services requested in this RFP.

Preference will be given to those firms that have demonstrated capabilities in successfully completing work of similar scope and complexity, and routinely exceed expectations in terms of work product quality and project delivery.

E. *INSURANCE AND LICENSES*

The successful Proposer shall maintain in full force and effect throughout the contract: (a) insurance coverage reflecting the minimum amounts and conditions required by the Town, and (b) any required licenses.

1. **Comprehensive General Liability Insurance** - \$1,000,000 combined single limit of insurance per occurrence and \$2,000,000 in the general aggregate for Bodily Injury and Property Damage and \$1,000,000 general aggregate for Products/Completed Operations, Comprehensive General Liability insurance shall include endorsements for property damage; personal injury; contractual liability; completed operations; products liability and independent contractors coverage.
2. **Workers' Compensation Insurance** – Statutory.
3. **Comprehensive Automobile Liability Insurance** - \$1,000,000 combined single limit of insurance per occurrence for Bodily Injury and Property Damage; \$1,000,000 Hired & Non Owned Auto Liability.
4. **Professional Liability** – Please indicate if you carry Professional Liability Insurance and, if so, in what amount.

The Proposer shall provide original certificates of coverage and receive notification of approval of those certificates from the Town prior to providing services under this RFP. The insurance coverage provided by Proposer is subject to the approval of the Town. The insurance certificates and required policies (except for worker's compensation) shall list the Town of Lauderdale-By-The-Sea as ADDITIONAL INSURED and shall provide for the Town to receive no less than thirty (30) days written notice of cancellation or material change. Further modification of the insurance requirements may be made at the sole discretion of the Town if circumstances change or adequate protection of the Town is not presented. Proposer, by submitting a Proposal, agrees to abide by such modifications.

**END OF PART I**

**PLANNING SERVICES**

Lauderdale-By-The-Sea RFP No. 14-7-2

**Part II –General Information**

**PART II: RFP GENERAL INFORMATION**

A. DEFINITIONS

For the purposes of this Request for Proposals (RFP): **Proposer** shall mean the contractor, consultant, respondent, organization, firm, or other person submitting a response to this RFP. **Town** shall mean the Town of Lauderdale-By-The-Sea, Town Commission or Town Manager, as applicable, and any officials, employees, agents and elected officials.

**Contact Person** for the purpose of this RFP shall mean:

**Bud Bentley, Assistant Town Manager**  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308  
Telephone: 954-640-4212  
Fax: 954-640-4236  
Email: ATM@LBTS-fl.gov

B. INVITATION TO PROPOSE; PURPOSE

The Town solicits proposals from responsible Proposers to perform work for or provide goods and/or services to the Town as specifically described in Part I, Statement of Work.

C. CONTRACT AWARDS

Due to the nature of the services to be provided, the Town anticipates awarding multiple contracts.

The Town Commission will enter into contracts with the Proposers who submit the proposals judged by the Town to be most advantageous. If the Town selects a Proposal, the Town will provide a written notice of the award.

The Proposer understands that neither this RFP nor the notice of award constitutes an agreement or a contract with a Proposer. A contract is not binding until a written contract has been approved as to form by the Town Attorney and has been executed by both the Town (with Commission approval, if applicable) and the successful Proposer.

The Town is seeking to enter into three (3) year agreements with two (2) additional one (1) year optional extension periods.

D. PROPOSAL COSTS

Neither the Town nor its representatives shall be liable for any expenses incurred in connection with preparation of a response to this RFP. Proposers should prepare their proposals simply and economically, providing a straightforward and concise description of the Proposer's ability to meet the requirements of the RFP.

E. INQUIRIES

The Town will not respond to oral inquiries. Proposers may mail, electronic mail or fax written inquiries for interpretation of this RFP to the attention of the City Clerk.

**PLANNING SERVICES**

**Lauderdale-By-The-Sea RFP No. 14-7-2**

**Part II –General Information**

Please mark the correspondence “RFP No. 14-7-2 QUESTION”.

The Town will respond to written inquiries received at least 7 working days prior to the the deadline for receiving the proposals. The Town will record its responses to inquiries and any supplemental instructions in the form of a written addendum. If addenda are issued, the Town will email, mail or fax written addenda to any potential Proposer who has provided their contact information to the Town Clerk for such purpose. Although the Town will make an attempt to notify each prospective Proposer of the addendum, it is the sole responsibility of a Proposer to remain informed as to any changes to the RFP.

F. DELAYS

The Town may postpone scheduled due dates in its sole discretion. The Town will attempt to notify all registered Proposers of all changes in scheduled due dates by written addenda.

G. PRE-PROPOSAL MEETING No pre-proposal meeting is scheduled.

H. PROPOSAL SUBMISSION

Proposers shall submit one (1) original and nine (9) copies of the proposal in a sealed, opaque package. The package shall be clearly marked on the outside as follows:

To: Town of Lauderdale-By-The-Sea  
RFP No. 14-7-2 - **PLANNING SERVICES**  
Submitted by: \_\_\_\_\_  
Address: \_\_\_\_\_

Proposals shall be submitted in person or by mail. Email submittals are not accepted.

Late submittals, additions, or changes will not be accepted and will be returned to the bidder unopened. Due to the irregularity of mail service, the Town cautions Proposers to assure actual delivery of proposals to the Town prior to the deadline set for receiving proposals. Telephone confirmation of timely receipt of the proposal may be made by calling the Office of the Town Clerk (954-640-4200) before proposal opening time. It is the sole responsibility of each Proposer to ensure that their Proposal is received by the Town by the specified due date and time. Proposers may withdraw their proposals by notifying the Town in writing at any time prior to the opening. Proposals, once opened, become property of the Town and will not be returned.

I. PROPOSAL FORMAT

In order to insure a uniform review process and to obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified herein. Unless otherwise specified, Proposers shall use the proposal forms provided by the Town herein. These forms may be duplicated, but failure to use the forms may cause your proposal to be rejected. Any erasures or corrections on the form must be made in ink and initialed by Proposer in ink. All information submitted by the Proposer shall be printed, typewritten or competed in ink. Proposals shall be signed in ink. When an RFP requires multiple copies they may be included in a single envelope or package properly sealed and identified.

All proposals shall be submitted as specified in this RFP. Any attachments shall be clearly identified. To be considered, the proposal must respond to all parts of the RFP. Any other information thought to be

## **PLANNING SERVICES**

### **Lauderdale-By-The-Sea RFP No. 14-7-2**

#### **Part II –General Information**

relevant, but not applicable to the enumerated categories, should be provided as an appendix to the proposal. If publications are supplied by a proposer to respond to a requirement, the response should include reference to the document number and page number. Proposals lacking this reference may be considered to have no reference material included in the additional documents.

Proposers shall prepare their proposals using the following format:

1. Letter of Transmittal

This letter will summarize in a brief and concise manner, the Proposer's understanding of the scope of work and make a positive commitment to provide its services on behalf of the Town. The letter must name all of the persons authorized to make representations for or on behalf of the Proposer, and must include their titles, addresses, and telephone numbers. An official authorized to negotiate and execute a contract on behalf of the Proposer must sign the letter of transmittal.

2. Title Page

The title page shall show the name of Proposer's agency/firm, address, telephone number, name of contact person, date, and the RFP No. and the Project name.

3. Table of Contents

Include a clear identification of the material by section and by page number.

4. Organization Profile and Qualifications

This section of the proposal must describe the Proposer, including the size, range of activities, and experience providing similar services.

Each Proposer must include:

- Documentation indicating that it is authorized to do business in the State of Florida and, if a corporation, is incorporated under the laws of one of the States of the United States.
- A description of the primary individuals responsible for supervising the work including the percentage of time each primary individual is expected to contribute to this work.
- Resumes and professional qualifications of all primary individuals and identify the person(s) who will be the Town's primary contact and provide the person(s') background, training, experience, qualifications and authority.
- Completed RFP Forms A, B, C, and D. All RFP forms are included as exhibits this document.

5. Experience

The Proposer must describe its expertise in and experience with providing goods and/or services similar to those required by this RFP. Describe previous experience relating to the Scope of Work requested in this RFP. Has the firm worked for other governmental entities, particularly municipalities? If so, please describe the work performed and include contact information for references, the time the firm was engaged and a list of accomplishment for each.

6. Approach to Providing Services

This section of the proposal should explain the Scope of Work as understood by the Proposer and detail the approach, activities and work products to be provided.

**PLANNING SERVICES**

**Lauderdale-By-The-Sea RFP No. 14-7-2**

**Part II –General Information**

7. Compensation

The proposal shall document the hourly rate for the goods and/or services on RFP Form C.

8. Additional Information

Any additional information which the Proposer considers pertinent for consideration should be included in a separate section of the proposal.

J. PROPOSAL – Procedural Information

1. Interviews:

The Town reserves the right to conduct personal interviews or require presentations prior to selection. The Town is not responsible for any expenses which Proposers may incur in connection with a presentation to the Town or related in any way to this RFP.

2. Request for Additional Information:

The Proposer shall furnish such additional information as the Town may reasonably require. This includes information, which indicates financial stability as well as ability to provide the services. The Town reserves the right to make investigations of the qualifications of the Proposer as it deems appropriate, including but not limited to, a background investigation. Failure to provide additional information requested may result in disqualification of the proposal.

3. Proposals Binding:

All proposals submitted shall be binding for at least one hundred twenty (120) calendar days following proposal opening. Town may desire to accept a proposal after the 120 day period. In such case, Proposer may choose whether or not to continue to honor the proposal terms.

4. Alternate Proposals:

An alternate proposal is viewed by the Town as a proposal describing an approach to accomplishing the requirements of this RFP which differs from the approach set forth in the solicitation. An alternate proposal may be a second proposal submitted by the same Proposer, which differs in some degree from the prior proposal or from this RFP. Alternate proposals may be in the area of technical approach, or other provisions or requirements of this RFP. The Town will, during the initial evaluation process, consider all alternate proposals submitted and reserves the right to award a contract based on an alternative proposal if the same is deemed to be in the Town's best interest.

5. Proposer's Certification Form:

Each proposer shall complete the "Proposer's Certification" form included as RFP Form D and submit the form with the proposal. This form must be acknowledged before a notary public with notary seal affixed on the document.

K. PUBLIC RECORDS

Proposals are public documents and subject to public disclosure in accordance with Chapter 119, Florida Statutes (the Public Records Law). Certain exemptions to the Public Records Law are statutorily provided for and it is the Proposer's responsibility to become familiar with these concepts. The contract will include a provision wherein the Proposer releases and agrees to defend, indemnify, and hold harmless the Town and the Town's officers, employees, and agents, against any loss or damages incurred by any person or

**PLANNING SERVICES**

**Lauderdale-By-The-Sea RFP No. 14-7-2**

**Part II –General Information**

entity as a result of the Town’s treatment of records as public records. By statute, the contract will also contain the following clauses:

Contractor acknowledges that the public shall have access, at all reasonable times, to certain documents and information pertaining to Town contracts, pursuant to the provisions of Chapter 119, Florida Statutes. Contractor agrees to maintain public records in Contractor’s possession or control in connection with Contractor’s performance under this Agreement and to provide the public with access to public records in accordance with the record maintenance, production and cost requirements set forth in Chapter 119, Florida Statutes, or as otherwise required by law. Contractor shall ensure that public records that are exempt or confidential from public records disclosure requirements are not disclosed except as authorized by law.

Unless otherwise provided by law, any and all reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of Town. In the event of termination of this Agreement by either party, any reports, photographs, surveys and other data and documents and public records prepared by, or in the possession or control of, Contractor, whether finished or unfinished, shall become the property of Town and shall be delivered by Contractor to the Town Manager, at no cost to the Town, within seven (7) days of termination of this Agreement. All such records stored electronically by Contractor shall be delivered to the Town in a format that is compatible with the Town’s information technology systems. Upon termination of this Agreement, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure. Any compensation due to Contractor shall be withheld until all documents are received as provided herein. Contractor’s failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the Town.

**L. IRREGULARITIES; REJECTION OF PROPOSALS**

The Town reserves the right to reject proposals with or without cause and for any reason, to waive any irregularities or informalities, and to solicit and re-advertise for other proposals. Incomplete or non-responsive proposals may be rejected by the Town as non-responsive. The Town reserves the right to reject any proposal for any reason, including, but without limitation, if the Proposer fails to submit any required documentation, if the Proposer is in arrears or in default upon any debt or contract to the Town or has failed to perform faithfully any previous contract with the Town or with other governmental jurisdictions. All information required by this RFP must be supplied to constitute a proposal.

**M. EVALUATION METHOD AND CRITERIA**

1. General The Town shall be the sole judge of its own best interests, the proposals, and the resulting negotiated contract or agreement, if any. The Town reserves the right to investigate the financial capability, reputation, integrity, skill, business experience and quality of performance under similar operations of each Proposer, including shareholders, principals and senior management, before making an award. Awards, if any, will be based on the evaluation criteria in this section. The Town’s evaluation criteria may include consideration of the information required in this RFP and the following factors:

- A. ability to meet set standards;

**PLANNING SERVICES**

**Lauderdale-By-The-Sea RFP No. 14-7-2**

**Part II –General Information**

- B. availability of qualified personnel;
- C. compensation;
- D. expertise of personnel;
- E. financial resources and capabilities;
- F. past contracts with other governmental jurisdictions;
- G. past performance records;
- H. qualifications of Proposer;
- I. references;
- J. related experience in Florida;
- K. technical soundness of proposal;
- L. past history of meeting required time frames; and
- M. approach to Work.

2. Selection

The Town Manager may conduct the selection process, or at the option of the Town Manager, it may be referred to a selection committee (the "Committee"). Either the Town Manager or the Committee will review all proposals received and establish a list of selected Proposers deemed to be the most qualified to provide the service requested based in part on the criteria set forth above. The Town Manager may submit a recommended firm or a "short list" or a combination of a recommended firm and the "short list" to the Town Commission and the Town Commission shall make a final award. The Town Manager, the Committee or the Town Commission may request oral presentation from the Proposers. Proposers are advised that the Town reserves the right to conduct negotiations with the most qualified Proposer, but may not do so. Therefore, each Proposer should endeavor to submit its best proposal initially.

N. REPRESENTATIONS AND WARRANTIES

In submitting a proposal, Proposer warrants and represents that:

- 1. Proposer has examined and carefully studied all data provided, and any applicable Addenda; receipt of which is hereby acknowledged.
- 2. Proposer has visited the relevant site, if any, and is familiar with and satisfied as to the general, local and "site" conditions that may affect cost, progress, and performance of goods and/or services in their proposal.
- 3. Proposer is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress and performance of the goods and/or services in their proposal.
- 4. If applicable, Proposer has obtained and carefully studied (or assumes responsibility for having done so) all documents available related to the subject of the RFP and performed any examinations, investigations, explorations, tests, studies and data concerning conditions that may affect cost, progress, or performance of the goods and/or services that relate to any aspect of the means, methods, techniques, sequences, and procedures to be employed by Proposer, including safety precautions and programs incident thereto.

**PLANNING SERVICES**

**Lauderdale-By-The-Sea RFP No. 14-7-2**

**Part II –General Information**

5. Proposer has given Town written notice of all conflicts, errors, ambiguities, or discrepancies that Proposer has discovered in this RFP and any addenda thereto, and the written resolution thereof by the Town is acceptable to Proposer.
6. The RFP is generally sufficient in detail and clarity to indicate and convey understanding of all terms and conditions for the performance of the proposal that is submitted.
7. No person has been employed or retained to solicit or secure award of the contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, and no employee or officer of the Town has any interest, financially or otherwise, in the RFP or contract.

**O. Town Contract**

The selected Proposer is expected to execute the Town’s standard professional services contract, in the form approved by the Town Attorney. The contract will contain the following clauses required by Town Code, and all vendors are expected to comply with these requirements:

No officer or employee of the Town of Lauderdale-By-The-Sea, Florida, during his or her term of employment or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof.

No vendor shall give, solicit for, deliver, or provide a campaign contribution directly or indirectly to a candidate or to the campaign committee of a candidate for the offices of Mayor or Commissioner.

**End of Part II**

**The rest if this page is blank**

**PLANNING SERVICES**

RFP Forms for Lauderdale-By-The-Sea RFP No. 14-071-02,

**RFP FORM A**

Proposer: \_\_\_\_\_

**QUALIFICATIONS STATEMENT**

**Note: Forms A, B & C are available in WORD format from the Town’s web site or the Town Clerk.**

***THIS FORM MUST BE SUBMITTED WITH PROPOSAL  
TO BE DEEMED RESPONSIVE.***

1. State the full and correct name of the partnership, corporation or trade name under which you do business and the address of the place of business. (If a corporation, state the name of the president and secretary. If a partnership, state the names of all partners. If a trade name, state the names of the individuals who do business under the trade name.)
  - 1.1. The correct and full legal name of the Proposer is:
  - 1.2. The business is a (Sole Proprietorship) (Partnership) (Corporation).
  - 1.3. The names of the corporate officers, or partners, or individuals doing business under a trade name, are as follows:
2. Please describe your company in detail.
3. The address of the principal place of business is:
4. Company telephone number, fax number and e-mail addresses:
5. Number of employees:
6. Name of employees to be assigned to this Project:
7. Company identification numbers for the Internal Revenue Service:
8. Provide Broward County business tax receipt number, if applicable, and expiration date:
9. How many years has your organization been in business? Does your organization have a specialty?
10. List the last three projects of this nature that the firm has completed? Please provide project description, reference and cost of work completed.
11. Have you ever failed to complete any work awarded to you? If so, where and why?

**PLANNING SERVICES**

RFP Forms for Lauderdale-By-The-Sea RFP No. 14-071-02,

12. Provide the following information concerning all contracts that are similar in nature or use *the same project team* proposed for this project that are **in progress** as of the date of submission of this Response for your company, division or unit as appropriate.

<b>Name of Project</b>	<b>Contract with:</b>	<b>Contract Amount</b>	<b>Estimated Completion Date</b>	<b>% of Completion to Date</b>

*(Continue list as necessary)*

13. Provide the following information for any sub-consultants you will engage if awarded the contract.

<b>Subcontractor Name</b>	<b>Address</b>	<b>Work to be Performed</b>

*The foregoing list of subconsultants may not be amended after award of the contract without the prior written approval of the Town Manager, whose approval shall not be unreasonably withheld.*



**PLANNING SERVICES**

RFP Forms for Lauderdale-By-The-Sea RFP No. 14-071-02,

**RFP Form C**

Proposer: \_\_\_\_\_

**PRICE PROPOSAL FORM**

**Note: Forms A, B & C are available in WORD format from the Town Clerk upon request.**

***THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL TO BE DEEMED RESPONSIVE.***

Name of Proposer:

Name of authorized representative of Proposer:

**Project Cost**

<b>Type of Services</b>	<b>Professional Services Hourly Fee</b>	<b>Reimbursements</b>
1.	\$	\$
2.	\$	\$
3.	\$	\$
4.	\$	\$
Insert rows as necessary.	\$	\$
Reimbursements not related to a specific Deliverable		\$
	\$	\$

Fees should be detailed to the extent possible per type of service, with estimated out-of-pocket expenses separate from the proposed fees for professional services. The total hourly rates and reimbursements listed above shall include all service costs and reimbursements for out of pocket costs. The Town will not reimburse for any costs not actually incurred and paid for by the Proposer and included in its proposal. Reasonable proof thereof will be required

By: \_\_\_\_\_

Date: \_\_\_\_\_

**PLANNING SERVICES**

RFP Forms for Lauderdale-By-The-Sea RFP No. 14-071-02,

Print Name and Title:

**PLANNING SERVICES**

RFP Forms for Lauderdale-By-The-Sea RFP No. 14-071-02,

**RFP FORM D**

Proposer: \_\_\_\_\_

**THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL TO BE DEEMED RESPONSIVE.**

The undersigned guarantees the truth and accuracy of all statements and the answers contained herein.

**PROPOSER’S CERTIFICATION**

I have carefully examined the Request for Proposal referenced above (“RFP”) and any other documents accompanying or made a part of this RFP.

I hereby propose to furnish the goods or services specified in the RFP. I agree that my proposal will remain firm for a period of 120 days in order to allow the Town adequate time to evaluate the proposals.

I certify that all information contained in this proposal, which includes the TOWN required RFP forms A, B, C and D, is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this proposal on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

The firm and/or Proposer hereby authorizes the Town of Lauderdale-By-The-Sea, its staff or consultants, to contact any of the references provided in the proposal and specifically authorizes such references to release, either orally or in writing, any appropriate data with respect to the firm offering this proposal.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same product or service; no officer, employee or agent of the Town or any other proposer is interested in said proposal; and that the undersigned executed this Proposer's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

If this proposal is selected, I understand that I will be expected to execute the Town’s standard professional services contract, in the form approved by the Town Attorney.

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017 Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on

**PLANNING SERVICES**

RFP Forms for Lauderdale-By-The-Sea RFP No. 14-071-02,

the convicted vendor list. I further certify, under oath, that neither the entity submitting this sworn statement, not to my knowledge, any of its officers, directors, executives, partners, shareholder, employees, members or agents active in the management of the entity has been convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_  
Name of Business

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_

\_\_\_\_\_  
Mailing Address



**TOWN OF LAUDERDALE-BY-THE-SEA  
RFP No. 14-7-2 PLANNING SERVICES  
REVIEW COMMITTEE**

**DATE:** September 30, 2014

**TIME:** 11:00 AM

1. Review Committee Members Present:

Connie Hoffmann, Town Manager  
Linda Connors, Town Planner  
Juliana Cardona, Planning Technician

2. Discussion Item - RFP No. 14-7-2 Planning Services

Linda Connors stated there were six proposals submitted to the Town. All members were provided with copies of the proposals.

The RFP Review Committee reviewed the six responses. In reviewing them, the committee determined that four of the participating firms would be considered for further evaluation. These firms were: JC Consulting Enterprises Inc., Linda Strutt Consulting Inc., The Mellgren Planning Group, and Calvin Giordano & Associates Inc.

The other two firms, RMA Redevelopment Management Associates and SOL-ARCH Architecture, were eliminated because the two firms focused their proposal in redevelopment and architecture services, respectively.

It was recommended to select multiple firms if the RFP permits it. Linda and Juliana will contact the Town Attorney's office for clarification.

The meeting was continued to Friday October 3, 2014 to confirm that the remaining firms were responsive to the requirements of the RFP and to rank them.



**TOWN OF LAUDERALE-BY-THE-SEA  
RFP No. 14-7-2 PLANNING SERVICES  
REVIEW COMMITTEE**

**DATE:** October 3, 2014

**TIME:** 11:00 AM

1. Review Committee Members Present:

Connie Hoffmann, Town Manager  
Linda Connors, Town Planner  
Juliana Cardona, Planning Technician

2. Discussion Item - RFP No. 14-7-2 Planning Services

The RFP Committee started by reviewing the four proposals individually to determine responsiveness.

Juliana stated that the Town Attorney's office confirmed the Town's ability to select multiple firms indicating that the RFP states in both the Objective (Section I-A) and Contract Awards (Section II-C) sections the Town's intent to award multiple contracts for the requested services.

In reviewing the proposals, the Committee found that JC Consulting Enterprises, Inc. and Linda Strutt Consulting Inc. met the requirements and followed the proposal format. The Mellgren Planning Group and Calvin Giordano & Associates, Inc. failed to meet them because one of the required forms was not notarized. The committee decided to give the firms an extension until Wednesday October 8, 2014 to submit the notarized forms to the Town. Juliana will contact the firms to inform them about the extension and pending requirement.

If the two firms return the notarized form to the Town, the Committee recommends the following ranking:

1. JC Consulting Enterprises, Inc.
2. Linda Strutt Consulting Inc.
3. The Mellgren Planning Group and
4. Calvin Giordano & Associates, Inc.



**Agenda Item Memorandum**

**Development Services**

Department

**Linda Connors**

Town Planner/Asst. Development Services Director

**COMMISSION MEETING:** October 14, 2014 – 7:00 PM

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

**FY2014 – PART OF THE STRATEGIC PLAN:**

**SUBJECT TITLE: Proposed Revision of Section 30-326 General Regulations for Window Awnings and Entrance Canopies.**

**EXPLANATION:** Sloan’s is a new business that is opening at 112 Commercial Boulevard. Their business branding includes a black and white awning with pink accent (photograph below) and as such, they have proposed this awning for their business location in Lauderdale-By-The-Sea.

Please note that the Town’s sign code requires consistent signage on buildings and the property owner has selected channel letter wall signs for the signage on his building. Therefore, the awning signage shown in the photograph, does not meet the Town’s code requirements and the wall signage is limited to channel letters.



*The purpose of this agenda item is to discuss the Town’s awning regulations.*

Awnings in the Town are regulated in Section 30-326 of the Town’s Code. The awning shown in the photograph (without the signage) does not meet the Town’s Code requirements because our Code requires all awnings on the same lot, building or complex to utilize the same color fabric. The property

**October 14, 2014 Meeting**  
**Page 2**

currently has four businesses with two of them having individual awnings (Keese's and Deep Blue Divers).

Sloan's proposed awning is not the same color of either of these existing awnings (Keese's is yellow and the Deep Blue Divers' is red). These existing awnings do not comply with our code either because there is more than one color awning on the building. Staff has observed that there are some properties in Town that have one awning color for their building (4331 N Ocean Drive) and others that have multiple colored awnings (238 Commercial Boulevard)

Staff believes that more flexibility is appropriate with our awning regulations and is proposing the attached amendments (**Exhibit 1**) to remove the single color requirement on a building and instead, require architectural review for commercial properties and residential properties of 5 dwelling units or more to ensure compatibility with the building color scheme and adjacent awnings. We are also recommending that the replacement of fabric awnings or canopies require a zoning permit so that we can ensure the regulations of the Code are met over time. Finally, we are proposing to reorganize the code for clarification.

**RECOMMENDATION:** Staff is asking for direction from the Commission on these proposed amendments. If the Commission directs us to move forward, the proposed amendments will be presented to the Planning and Zoning Board at their October meeting for their recommendations and then scheduled on the next available Commission agenda as an ordinance.

**EXHIBIT 1** – Section 30-326 Proposed Code Revisions

Reviewed by Town Attorney

Yes     No

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**Sec. 30-326. General regulations for wWindow awnings and entrance canopies.**

- (a) Required Permit.
- (1) A permit shall be required for the construction, fabrication, installation, repair or replacement of any awning or canopy erected over public property, or over private property used for business purposes, or over private property when such structure is in whole or in part self-supported.
  - (2) A building permit is not required for the repair or replacement of fabric awnings or canopies when the existing structural framework is not altered or removed and when such framework is otherwise in compliance with applicable codes and regulations.
  - (3) A zoning permit is required for the repair or replacement of fabric awnings or canopies to ensure compliance with this section.
- (b) Construction requirements. Fabric awnings and canopies located over public property, over areas accessible to the public, over sidewalks or over other areas providing ingress or egress to a site or building shall:
- (1) be constructed so that no rigid part of such fabric awning or canopy shall be less than seven feet six inches from the grade directly below,
  - (2) ~~and be constructed so that~~ no part of the cloth drop or valence shall be is less than six feet, eight inches from the grade directly below, ~~and -~~
  - (3) ~~Such awning or canopies shall~~ be constructed of flame-resistant materials.
- (c) Permits For Awnings or Canopies Extending Over Public Property.
- (1) Hold Harmless Agreement. A permit for any awning or canopy extending from private property over any adjoining public property, public right-of-way or public easement may be issued only to a licensed contractor, and shall not be issued until the private property owner has executed a written hold harmless agreement which shall indemnify, defend, save and hold harmless the Town, its elected officials, officers, directors, agents and employees from any and all claims, liability, damages and causes of action which may arise out of such permit or the activities of the permittee and property owner.
  - (2) General Liability Insurance.
    - a. Prior to the issuance of the permit, the property owner shall obtain and maintain for the entire period that such awning or canopy exists commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury or property damage.
    - b. The Town must be named as an additional insured on the policy, and an endorsement must be issued as part of the policy reflecting this requirement. All policies must be issued by companies authorized to do business in the State of Florida and must be rated no less than A-VI in the latest edition of "Best Key Rating Guide" published by A.M. Best Guide. The policy shall provide that the Town shall receive 45 days prior written notice prior to any cancellation, non-renewal or material change in the coverage provided.
    - c. The property owner must provide an original certificate of insurance as evidence that the above requirements have been met prior to issuance of the permit. No improvements shall be installed until the Town approves the form of insurance provided as required herein.
    - d. In the event that the property owner fails to maintain the required insurance or fails to properly maintain the awning or canopy in a safe, clean and attractive condition, the Town may order its immediate removal as a public nuisance and hazard.
- (d) ~~Fabric awnings and canopies may not be enclosed with any material other than a valence not more than 18 inches in vertical depth or fabric roller curtains for temporary shade or weather protection.~~
- (e) Location.

# Item No. 17.c.

## EXHIBIT 1

- (1) No awning or canopy shall extend any closer than 18 inches to the curb line, or where no curb is present, no closer than four feet to the edge of pavement of any street or drive aisle.
  - (2) No awning or canopy shall extend any closer than five feet to any light or utility pole, tree trunk or traffic control pole or sign.
  - (3) No awning or canopy may obstruct cross-visibility at an intersection or driveway.
  - (4) No ~~F~~fabric awnings ~~and~~ or canopies may ~~not~~ be enclosed with any material other than a valence ~~not~~ that is not more than 18 inches in vertical depth or fabric roller curtains for temporary shade or weather protection.
- (f) Architectural Review and Aesthetic Standards.
- (1) The placement of an awning on properties other than those zoned RS4, RS5 or RD10, or properties with less than 5 dwelling units in RM25, shall require architectural review as established in Section 30-51 of this Code to ensure compatibility with the building color scheme and adjacent awning(s), if applicable. All awnings and canopies on the same lot, building or complex shall utilize the same color fabric.
  - (2) All support columns for canopies shall be painted to match the building or shall be painted white. ~~The colors of awnings and canopies shall be coordinated with the color scheme of the building.~~
  - (3) The fabric of awnings and canopies may have no more than three colors and shall be limited to solid colors, stripes or other simple designs. No polka dot, checkerboard, floral or other exhibitionist patterns are permitted.
  - (4) No day-glow, phosphorescent, iridescent or other exhibitionist colors shall be permitted.
  - (5) Awnings and canopies may be illuminated with down lighting and may illuminate the areas under the awnings or canopies, however, translucent awnings or canopies shall not be internally illuminated in any way that would cause the awnings or canopies to glow.
- (g) ~~All awnings and canopies shall also conform to the requirements for such structures specified in the applicable zoning district regulations of the Town's Code of Ordinances.~~
- (h) Signage. Any signage, text, logo or other image on any awning or canopy is subject to separate permit and regulation under the sign regulations of the Town's Code of Ordinances.
- (i) Additional Zoning District Regulations. In addition to conforming with the requirements for such structures specified in the applicable zoning district regulations of the Town's Code of ordinances, the following regulations shall apply:
- (1) ~~In RS-4, RS-5 and RD-10 Zoning Ddistricts; the following additional regulations shall apply:~~
    - a. Window awnings shall be permitted within the required front, side and rear setbacks, but may extend from the supporting building wall no more than five feet and may extend no closer than five feet to a side or rear property line, nor 20 feet to a front property line.
  - (2) ~~In RM-25, RM-50 and CF Zoning Ddistricts; the following additional regulations shall apply:~~
    - (1)a. Window awnings shall be permitted within the required front, side and rear setbacks, but may extend from the supporting building wall no more than five feet and may extend no closer than five feet to a side or rear property line, nor 20 feet to a front property line.
    - (2)b. Entranceway canopies to shelter an entrance walkway shall be permitted within the required front and side corner setbacks, but shall:
      - i. be limited to parcels with at least 100 feet of lot width,
      - ii. ~~shall~~ be limited to one such canopy per building per street frontage, ~~and~~
      - iii. ~~shall~~ extend no closer than 18 inches to the front or side corner property lines, ~~and~~
      - iv. ~~The support columns for such canopies shall~~ be limited to the use of round, tubular steel pipe support columns of no more than four inches in diameter, ~~and~~.

~~v. Such canopies shall not exceed a width of eight feet or a height of 12 feet.~~

~~(k3) In B-1 and B-1-A Zoning Districts the following additional regulations shall apply:~~

- ~~(1) a. Window awnings shall be permitted within the required front, side corner and rear setbacks, but shall:
  - ~~i. extend from the supporting building wall no more than nine feet, and shall~~
  - ~~ii. extend no closer than five feet to a rear property line.~~~~
- ~~(2) b. Entrance canopies may be permitted within the required front, side corner and rear setbacks and awnings and canopies may be permitted to extend from private property over adjoining public property, public right-of-way or public easement, but only with the specific approval of the Town Commission as part of site plan approval, and subject to any additional conditions, restrictions or safeguards that the Town Commission may deem appropriate.~~



LAUDERDALE • BY • THE • SEA

**Agenda Item Memorandum**

**Town Commission**

**Elliot Sokolow**

Department

Town Commissioner

**COMMISSION MEETING:** October 14, 2014

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

**SUBJECT TITLE: Discussion of Section 17-91(m) of the Town Code – No signs on Sidewalk Café Fixtures**

**EXPLANATION:** Sloan’s is a new business that will be opening at 112 Commercial Boulevard. They want their trademarked logo on their sidewalk umbrellas and tables.

I understand that staff has responded to the Sloan’s request saying that they cannot include the logo because the code states in Sec. 17-91(m):

Signs, with the exception of the establishment name, are prohibited on awnings, umbrellas, chairs, tables and any other fixture which is on, or abutting on, the public right-of-way. Lettering may not exceed four inches in height.

I have been told that staff was asked if a logo was a sign and staff said yes based on the following definition of Sign found in Section 30-514 of the Code:

*Sign:* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information to the public.

Sloan’s believes the Town Code is overly restrictive compared to other locations and the property owner has asked the Commission to amend the Code to allow signage on sidewalk café fixtures (tables & umbrellas).

I scheduled this item so the issue could be discussed by the Commission. A staff report that provides backup information is attached (**Exhibit 1**)

Exhibit 1 – Staff Report

Reviewed by Town Attorney

- Yes       No

## **Town of Lauderdale-By-The-Sea**

**OFFICE OF THE TOWN MANAGER**

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### **Memorandum**

**Date:** October 10, 2014

**To:** Mayor Scot Sasser  
Vice Mayor Chris Vincent  
Commissioner Mark Brown  
Commissioner Stuart Dodd  
Commissioner Elliot Sokolow

**From:** Connie Hoffmann, Town Manager

**Subject:** Sidewalk Café Umbrellas & Furniture Issues

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In reference to Commissioner Sokolow's agenda item with regard to Sloan's Ice Cream Store, we wanted to make the Commission aware of several issues.

1. We believe the provisions of the code are intended to minimize advertising in the Town's right of way and to keep the look of the umbrellas neat and simple. We allow a restaurant to put their name on the umbrella up to 4" in height. Some restaurants have received umbrellas from their suppliers that advertise products (the names of liquor or beer) and we cited them for being in violation. SEA & Alexandra's came into compliance and Pronto Café is currently under citation.

Rhino Donuts' logo is incorporated into their name so that was allowed on their umbrellas. Sloan's is the latest to come in and want to put their logo on umbrellas and the first to want it on their café furniture. While their logo is attractive, at least to my eye, we need to think seriously about the ramifications of changing our code and practice with regard to furniture. Advertising through logos on everything can reach a point of oversaturation.

Sloan's is proposing to put their trademarked logo on each of four panels of an umbrella. Even if the Commission determines they want to allow this, the size of the logo is problematic - 17.5" wide x 25.5" high (3 sq. ft.), far in excess of our 4" height limit for lettering. A possible compromise would be to allow them to use the bottom part of their logo on their umbrellas (the banner that says SLOAN'S).

Attached is a proof of the proposed umbrella (**Exhibit A**).

**Item No. 17.d.**  
**Exhibit 1**

Memorandum

Date: October 10, 2014

Page 2

2. In reviewing applications, we also look to ensure that the sidewalk café furniture and umbrellas are in scale with the one to two story buildings that front the sidewalk. We also want to keep our sidewalks open, airy & with vistas to the sea in the two blocks closest to the beach.

Sloan's has proposed umbrellas that are 10' x 10'. They would have table areas only 4' in width on either side of the sidewalk, so that means their umbrellas would span the entire width of the sidewalk. Staff does not feel that is desirable. It completely changes the consistency of the look of our sidewalks and it could break the clear vista to the ocean.

Athena's wanted to put these large umbrellas in and we told them they could not. They abided by that decision. The reasons above were issues but, in addition, the base of the umbrellas was so big it needed to be bolted into a concrete pad and would have intruded into the walkway between tables. We have not seen the base of the umbrellas that Sloan's is proposing.

Communities that have and enforce design and aesthetic standards often come under criticism from property owners and new businesses for those standards. However, time and again it is the communities that maintain aesthetic standards that create value for their citizens and property owners. Even the biggest, most famous brands make accommodations to be in highly desirable locations.

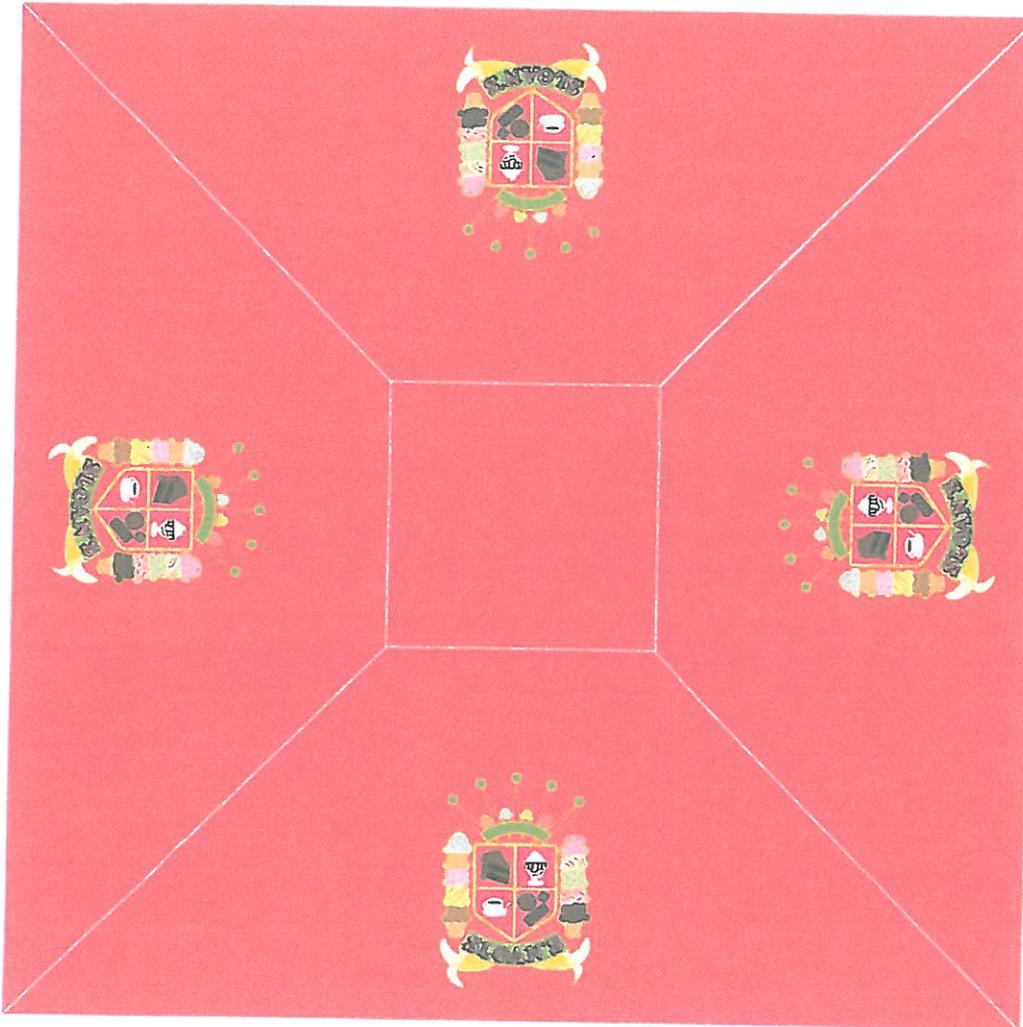
The first two blocks of Commercial are a terrific location and we should not feel we need to reduce our aesthetic standards to accommodate exactly what a new business wants to do.

Exhibit "A" Proof of Umbrella

# Item No. 17.d. Exhibit A



Proof #1950  
Date Created: 09/26/2014  
Date Revised: 10/01/2014



Total : Five Color Job



White

Company: Sloan's  
Canopy size & Shape: 10 Square (Single Vent)  
Canopy Fabric Color: Pink  
Logo Size & Color(s) : 17.5"W x 25.5"H | Logo  
Logo Placement: All Panels  
Base Line: 4"

By submitting your response "Proof Approved" to TUUCI, you agree to the following terms.

You are FULLY RESPONSIBLE for final proof and layout approval prior to the printing process. TUUCI is not liable for errors in a final product caused by omitted, mistyped or misspelled words, grammar or punctuation. You are satisfied with the size and layout of graphic on your canopy. You understand that your canopy will print as it appears on the proof and that you cannot make any changes once the order is approved and in production without additional costs to you the client. You certify that you are legally authorized to utilize any design / art / logos being supplied to TUUCI for the purposes of fulfilling this order. Further, you indemnify, hold harmless and agree to defend TUUCI, its vendors and affiliates from any suit, claim or demand arising from your reproduction or use of this material.

\*Please note the color on your monitor may not be representative of the printed piece. If you need to verify the color of your canopy ask your sales person for a swatch of the fabric.

Approved by: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**Agenda Item Memorandum**

**Development Services**

Department

**Linda Connors**

Town Planner/Asst. Development Services Director

**COMMISSION MEETING:** September 23, 2014

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

**SUBJECT TITLE: Application for Relief of Code Enforcement Lien on Lot 2, 3 Block 20 LBTS (Folio #494318012020)**

**EXPLANATION:** Fisherman’s Pier, Inc. seeks relief from a code enforcement lien on their property located at 216 Commercial Boulevard and whose legal description is Lot 2, Block 20 LBTS (**Exhibit 1**). The code violation (**Exhibit 2**) was for illegally parking cars on the parcel (the vacant land between JoJo’s Tacos and Ocean Mist).

At the Special Magistrate’s November 2013 meeting, they were ordered to stop parking on the lot. The order was revised at the December 2013 meeting to allow parking on the property while the applicant converted the property into a legitimate parking lot. The final order (**Exhibit 3**) gave a specific time frame (120 days) and identified the compliance date of June 1, 2014 and stated that compliance would require obtaining the permit, completing the work and passing all final inspections for the permit. The imposition of fine and claim of lien (**Exhibit 4**) was recorded on July 30, 2014.

The building permit was issued on June 3, 2014 one day after the fine commenced. Construction on the lot was completed on September 19, 2014.

The applicant is requesting a reduction of the fines to \$200 (one day out of compliance) because they believe that the requirement to comply only after construction was completed was not a fair representation of when illegal parking would stop on the site and should have been the date the permit was issued. This would result in a fine of \$200 (1 day out of compliance).

The applicant is also asking that the \$200 fine be waived as the \$500 mitigation fee exceeds their requested fine amount. They point out that there was not legal requirement for them to build the parking lot and they invested \$18,000 in improvements to the property. They further state that the new parking lot has improved the area and provides additional parking for residents and visitors of the Town.

**Relevant Factors for Relief**

Resolution 2010-13, Subsection 2 requires the Commission to consider all relevant factors, including the following criteria, to determine what relief, if any, is appropriate.

**A. The nature and gravity of the violation.**

The violations are minor.

**B. Any actions taken by the Respondent to correct the violation.**

**October 14, 2014 Meeting**

**Page 2**

The applicant secured a building permit on June 3, 2014 and completed construction on September 19, 2014.

**C. The length of time between the previously ordered compliance date and the date the violation was brought into compliance.**

The property owner was aware of the violation a total of 317 days (from the Notice of Violation to compliance date).

The property was in violation a total of 110 days (from the Special Magistrate’s ordered compliance date to compliance date.) However, the owner secured a building permit on June 3, 2014 which was one (1) day after compliance was required. Construction on the property pre-empted parking on the site.

**D. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation.**

The violations were cured by securing the appropriate building permit and completing the work. The permit application was \$391.15 and the stated job cost on the permit application was \$13,923.

**E. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the Town.**

The violations from 2012 to present are identified in **Exhibit 5**. Excluding the fine that is the subject of this mitigation request, the property owner owes \$150 to the Town for code administrative fees.

There are six active violations on the Fisherman Pier, Inc. properties, which includes those owned by Anglin’s Family Trust. None of these violations have current fines running against the properties.

Sidewalk café licenses are issued each October. One requirement to secure the license is that there are no outstanding monies owed to the Town on any properties owned or operated by the property owner. The Town has held off on requiring the removal of the sidewalk cafés on the Fisherman’s Pier properties. The sidewalk café’s that would be affected include Athena’s, Mulligan’s and 4D Gelateria.

**RECOMMENDATION:** Staff recommends that the Commission determine and set the amount they are willing to mitigate and make settlement contingent on full payment being made to the Town within 30 days of Commission approval.

- EXHIBITS:**
- 1 – Application for Relief
  - 2 - Notice of Violation
  - 3 – Final Order
  - 4 – Imposition of Fine and Claim of Lien
  - 5 – Fisherman’s Pier Code Fine Report

Reviewed by Town Attorney  
 Yes     No

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

TOWN OF LAUDERDALE-BY-THE-SEA

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Tel: (954) 640-4210 Fax: (954) 634-4654

Notice: This application is available as a WORD document for your convenience.

The Town accepts applications for code fine relief from owners of properties that have corrected ALL of the violations on the subject property. In certain very limited circumstances, the purchaser of a single family property may apply for a code fine or lien reduction before compliance is complete.

The Town's policy and procedures for code relief is set forth in Resolution 2013-05. You are required to read Resolution 2013-05 prior to submitting your relief application.

CASE # 13110014

TOWN OF LAUDERDALE-BY-THE-SEA vs.

(Name of Respondent(s) as listed)

Property owner: Fisherman Pier Inc
Address:4400 Ocean Dr.

Phone numbers:954-629-5099

Email Address: wfbeggslaw@aol.com, marchelos@aol.com

ADDRESS OF PROPERTY: Lot 2,3 Block 20 LBTS
(Where violation(s) existed)

NATURE OF VIOLATION: Parking on lot that is not legal parking lot

Name of applicant (if not owner):

Contact information:

PROPERTY LITIGATION. Give detail here if this property is involved in litigation.

NA

All Applications SHALL submit a copy of the following documentation (when applicable):

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

- 1. Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;



**APPLICATION FOR RELIEF FROM CODE FINES OR LIENS**

Page | 2

2. Foreclosure Complaint;
3. Foreclosure Order, with the recording date, book and page shown;
4. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
5. Certification of Lien Order, with the recording date, book and page shown;
6. New Certificate of Title, with the recording date, book and page shown;
7. Town's Final Order of Imposition of Fine; and
8. Claim of Lien(s) with the recording date, book and page shown.

**FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:**

**1. The nature and gravity of the violation(s);**

The violations are minor.

**2. Any actions you have taken to correct the violation(s);**

The applicant secured a building permit on June 3, 2014 and completed construction on September 19, 2014.

**3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;**

The property was in violation a total of 110 days (from the Special Magistrate's ordered compliance date to compliance date.) However, the owner secured a building permit on June 3, 2014 which was one (1) day after compliance was required. Construction on the property did not allow parking on the site. We are therefore asking that the fine be reduced to 1 day (\$200).

**4. Any actual costs you expended to cure the violation(s), if supported by documentation;**

The violations were cured by securing the appropriate building permit and completing the work. The permit application was \$391.15 and the stated job cost on the permit application was \$13,923.

**5. Any other prior or current violations you committed on the subject property or upon any other property you own within the Town; and**

**6. Equitable considerations.**

- i. **Whether there was any extraordinary hardship which existed or currently exists; NA**
- ii. **Whether the Applicant was the property owner when the fine or lien was imposed; NA**
- iii. **Whether the property is homestead or non-homestead property; NA**
- iv. **Whether the Town lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner. NA**

**APPLICATION FOR RELIEF FROM CODE FINES OR LIENS**

**WHY RELIEF SHOULD BE GRANTED:**

As stated in Item 3 above the total length of time for which the property was not in compliance was 1 day, as no cars were parked during the construction period. In addition we are requesting that the 1 day (\$200) fine be waived as the application fee for this application (\$500) exceeds the fine amount. The application fee has been paid to the city.

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

**Name of Property Owner or Representative: Fisherman Pier Inc.**

Address: 4400 Ocean Dr.

Business Phone Number:

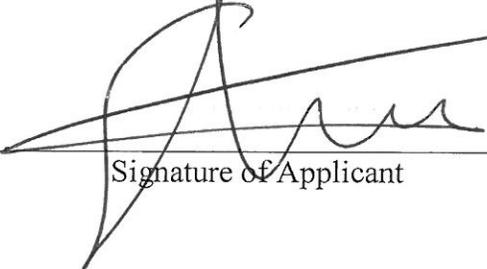
Cell Phone Number: 954-629-5099

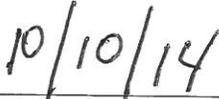
Email Address: wfbeggsaw@aol.com, marchelos@aol.com

**I CERTIFY THAT I have read Resolution 2014-22 and that I am:**

- the owner of the subject property;
- an Attorney representing the owner,
- the legal representative for the property, or
- otherwise authorized to act on behalf of the property owner in this matter.

**AND DOCUMENTATION OF THIS IS ATTACHED.**

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Date

## **APPLICATION FOR RELIEF FROM CODE FINES OR LIENS**

Page | 4

### **PROCEDURES FOR RELIEF FROM CODE LIENS OR FINES**

#### **Application:**

A non-refundable application fee is required to be submitted with your completed application.

A completed Application for Relief will be considered by the Town Manager or the Town Commission as follows:

- A. The Town Manager is authorized to negotiate and settle Code liens or fines when the negotiated reduced fine is within the Town Manager's Purchasing Authority (\$15,000) and the reduction in fines is less than 50% of the amount owed.
- B. If the Application requires Town Commission approval, it will be set for the next available regular Town Commission meeting date after all requirements have been met and after the Application is approved by the Town Manager.

The Town Manager or designee shall notify the Applicant of the scheduled hearing. The property owner or violator requesting the reduction of fine must appear at the hearing for the reduction of fine unless they designated an agent, in which case the designated agent shall appear at the hearing. No such hearing shall proceed if the Applicant or representative is not present at the hearing.

### **PAYMENT AND PERFORMANCE**

Any relief granted shall be contingent upon payment of any outstanding amounts within the specified time period and completion of any required performance to effectuate code compliance. Failure to provide valid payment to the Town or to perform as required within the specified time period shall cause the original penalty(s) to continue and the approved relief to terminate without any future action of the Town.

Upon showing by the Applicant of a valid reason beyond the control of the Applicant, the Town Manager may approve one limited time extension if in the best interest of the Town. Once the Town has verified code compliance and received the monies due the Town, the Town will prepare and record the applicable release of lien.

1937

FISHERMANS PIER INC.

DATE 10/10/14

63-215/631

PAY TO THE ORDER OF

CITY OF LAUDERDALE BY THE SEA \$ 500<sup>00</sup>  
FIVE hundred DOLLARS



ACH RT 051000104

FOR

Relief from Concessions

⑈00001937⑈



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

**CODE COMPLIANCE NOTICE OF VIOLATION  
AND  
NOTICE OF HEARING**

**Date:**

11/08/2013

**Sent To:**

FISHERMAN'S PIER INC  
  
4400 OCEAN DR  
LAUDERDALE BY THE SEA, FL 33308

**Case #:**

13110014

**Property Owner:**

FISHERMAN'S PIER INC  
  
4400 OCEAN DR  
LAUDERDALE BY THE SEA, FL 33308

**Certified Mail #:**

**Property Description:**

494318012020

**Legal Description:**

LAUDERDALE BY THE SEA 6-2 B LOT 2,3  
BLK 20

**AKA:**

BOUGAINVILLE Dr LAUDERDALE BY THE  
SEA, FL 33308

YOU ARE HEREBY NOTIFIED that the undersigned inspector alleges that on 11/7/2013 the following violation(s) of the Town of Lauderdale-By-The-Sea Code of Ordinances existed on the property above:

Chapter/Section	Description	Violation Description/Correction
Chapter 10 - Garbage and Refuse Section 10-28(g) - Maintenance.	Trash boxes or receptacles shall be maintained in such manner as not to be visible from the street, except on pickup days, and shall be sufficient for the storage of all general combustible waste, paper, rags, pasteboard boxes, berry boxes, whole bottles, broken glass and empty tins, fruit or vegetable cans.	Two trash cans stored in public view

Chapter 10 - Garbage and Refuse  
Section 10-31(1) - Dumpster type containers.

Dumpster type containers of at least one cubic yard in size may be used as garbage receptacles provided that the following criteria are met: All dumpster type receptacles must be enclosed within a dumpster enclosure that shall be constructed of concrete or other fencing materials approved by the Town Building Department. The enclosure shall be six feet in height with six-foot high gates constructed of metal or other material approved by the Town Building Department. The enclosure shall further consist of a six-foot wide impervious, paved surface upon which the dumpster shall be placed.

There is no dumpster enclosure for the dumpster

Chapter 30 - Unified Land Development Regulations  
Section 30-271.xxx B-1 district—Business

Uses not listed. Any use not covered by the above list may be authorized in the B-1 district by the Town Manager or designee only if the proposed use is similar to a listed use; otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult with the Town Commission on any proposal to find that a use is similar, prior to authorizing such use in the B-1 district.

Property is being used as parking lot which is prohibited per the Town's code.

Notes/Mean of Correction: There are trash receptacles on the property that are not screened from view and a dumpster without a dumpster enclosure. Trash receptacles must be stored as to not be visible from the street and all dumpster type receptacles must be enclosed within a dumpster enclosure that shall be constructed of concrete or other fencing materials approved by the Town. Remove the receptacles or hire a licensed contractor to obtain a building permit to construct the proper enclosure and screening for the dumpster and trash receptacle. There are also vehicles being stored on the property. This is a vacant lot. Remove all vehicles from being stored on the property. Thank you for your cooperation.

*If the referenced violations are corrected within 8 days from the date of issuance of this notice, you must contact the Code Compliance Inspector at 954-640-4220.*

Should all violations not be corrected and approved by the undersigned Code Compliance Inspector within the date and time, specified above, you will be required to appear at the prosecution of this matter before the City's Special Magistrate for Code Compliance, pursuant to Chapter 6.5 of The Town of Lauderdale-By-The-Sea Code of Ordinances and Chapter 162, Florida Statutes.

**IMPORTANT - READ CAREFULLY**

**A Code Hearing has been set for you on the 18th day of November, 2013 at 5:00 p.m. in the Town of Lauderdale-By-The-Sea's Jarvis Hall, 4501 Ocean Drive Lauderdale-By-The-Sea, Florida 33308.**

You are required to be present at this hearing to avoid the issuance of an Order of default against you. If you fail to appear at the Code Hearing, you shall be deemed to have waived your rights to contest this Notice of Violation citation and judgment may be entered against you plus administrative cost. The Order may impose a daily fine of up to \$250.00 per day, starting after the formal code hearing is held and the issuance of a written Order. Fines of up to \$5,000.00 per violation(s) may be imposed if the Special Magistrate finds any violation(s) to be irreparable or irreversible in nature. Further, the Order will have the force of law, commanding you to take whatever steps are necessary to bring the violation(s) into compliance by a certain date to avoid imposition of one or more fines. Please bring this NOTICE OF VIOLATION with you to the hearing.

## Item No. 17.e.

1. If you have witnesses, books, receipts, or other writings relating to the alleged violation(s), please bring them with you to the hearing.
2. If you wish to subpoena witnesses, please contact the Lauderdale-By-The-Sea Code Compliance Officer for assistance without delay.
3. You may come to the hearing with or without an attorney. If you are going to be represented by an attorney, your attorney should notify the Special Magistrate's Clerk in writing at least five (5) working days before the hearing. You may also have other rights that are set forth in Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances, Florida Statutes, Chapter 162, or both.
4. Any person who decides to appeal any decision made by the Special Magistrate for Code Compliance with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to insure that a verbatim record is taken of the evidence upon which the appeal is to be based.
5. If you wish to schedule a re-inspection to show compliance regarding the alleged violation(s), please call the Code Compliance Officer, leave your name, telephone number and the case number and an inspector will recheck the property for compliance.
6. In accordance with the Americans with Disabilities Act of 1990 (ADA), disabled persons who, because of their disabilities, need special accommodations to participate in this proceeding should contact the Code Compliance Clerk not later than two (2) business days prior to such proceeding.
7. In accordance with Florida Statute, 162.07(2), you may be assessed administrative costs (also referred to as court costs), incurred by the Town of Lauderdale-By-The-Sea in the prosecution of the alleged violation(s) in this case.
8. **REPEAT VIOLATIONS.** If any alleged violation has been corrected prior to a Code Hearing and recurs within one (1) year from the date of the original Notice of Violation, or if the violation has a previous Order related to it, the new Notice of Violation may be presented to the Special Magistrate as a Recurring Violation even if the violation is corrected before the Code Hearing. A fine up to \$500.00 per day may be ordered for repeat violation(s), even if the repeated violation(s) has been corrected prior to the Hearing.
9. **HOW TO CANCEL YOUR CODE HEARING.** You may be able to avoid attending the Code Hearing and possible fines by correcting the violation(s) as soon as possible, and by calling the Code Compliance Officer at (954) 640-4220 for a re-inspection. If the violation(s) are corrected in time, your Code Hearing before the Special Magistrate may be cancelled. You must confirm compliance with the Code Compliance Officer in writing and also consult with the Officer who will advise you if your attendance at this hearing is still required.
10. **LIENS.** If one or more fines are imposed and not timely paid, a lien may be recorded against your property by the Town, and it may be foreclosed upon after court proceedings are filed.

For information about the violation(s), please contact the Code Compliance Officer at (954) 640-4220 or e-mail inspector tuchettet@lbts-fl.gov. For information about the Code Hearing, please contact the Code Compliance Clerk at (954) 640-4210 or e-mail idaliag@lbts-fl.gov.

Tuchette Torres

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Code Compliance Inspector



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Signature



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

**OFFICE OF THE SPECIAL MAGISTRATE**

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

**Case #:** 13110014

Petitioner,

vs.

FISHERMAN'S PIER INC

Respondent(s)

**FINAL ORDER OR STIPULATED FINAL ORDER**

**IN RE:**

**STREET ADDRESS:** BOUGAINVILLE Dr LAUDERDALE BY THE SEA, FL 33308

**FOLIO:** 494318012020

**LEGAL DESCRIPTION:** LAUDERDALE BY THE SEA 6-2 B LOT 2,3 BLK 20

The Town of Lauderdale-By-The-Sea Special Magistrate, having heard testimony under oath and argument at a Public Hearing, in reference to the above-described property, held Monday, December 16, 2013, after due notice to the Respondent(s). The Respondent(s) were present at the hearing.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the evidence submitted, the Special Magistrate finds the Respondent(s), on the above-referenced property have certain violation(s) and there exists, as a matter of law, those violation(s) of Section(s) of the Town of Lauderdale-By-The-Sea Code of Ordinances. Specific Code Section(s) and description of the violation(s) listed below:

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 10 - Garbage and Refuse...	Section 10-28(g) - Maintenance.	Trash boxes or receptacles shall be maintained in such manner as not to be visible from the street, except on pickup days, and shall be sufficient for the storage of all general combustible waste, paper, rags, pasteboard boxes, berry boxes, whole bot...	3/18/2014		\$200.00
Chapter 10 - Garbage and Refuse...	Section 10-31(1) - Dumpster type containers.	Dumpster type containers of at least one cubic yard in size may be used as garbage receptacles provided that the following criteria are met: All dumpster type receptacles must be enclosed within a dumpster enclosure that shall be constructed of conc...	3/18/2014		\$200.00

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 30 - Unified Land Development Regulations...	Section 30-271.xxx B-1 district—Business	Uses not listed. Any use not covered by the above list may be authorized in the B-1 district by the Town Manager or designee only if the proposed use is similar to a listed use; otherwise, an amendment to this chapter is required. The Town Manager or...	11/25/2013	11/25/2013	\$200.00

Notes:

**ONLY EMPLOYEE PARKING FOR TOWN BUSINESSES IS ALLOWED ON THE LOT UNTIL THE CONSTRUCTION IS COMPLETE. 120 DAYS (3/18/2014) TO OBTAIN PERMIT, COMPLETE WORK AND PASS ALL INSPECTIONS TO CONVERT VACANT LOT INTO A LEGITIMATE PARKING LOT. 120 DAYS (3/18/2014) TO OBTAIN PERMIT, COMPLETE WORK AND PASS ALL FINAL INSPECTIONS FOR RELOCATION AND ENCLOSURE OF DUMPSTERS AND CARTS.**

Accordingly, the Respondent(s) are ordered to bring the property into compliance prior to dates shown above.

Upon complying with this Final Order, the Respondent(s) **SHALL NOTIFY Torres, T.**, the Code Compliance Inspector, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Broward County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can be fined up to \$500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when compliance has been reached. **The Special Magistrate has also assessed an additional fine of \$200.00 to cover costs incurred by the Town in the prosecution of this matter.** Said amount is now due, and if not paid, may also constitute a lien against the above-referenced property which may also be actionable by law.

You may also have other rights which are set forth in Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances.

Respondents may appeal any decision with respect to any matter considered by the Town of Lauderdale-By-The-Sea Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Section 286.0105, Florida Statutes.

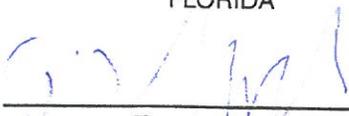
For further information, please contact the Code Compliance Inspector at 954-640-4220.

DONE AND ORDERED this 12-26-2013

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA,  
FLORIDA

  
\_\_\_\_\_

  
\_\_\_\_\_  
Tom Ansbro

**Item No. 17.e.**

SPECIAL MAGISTRATE CLERK

SPECIAL MAGISTRATE

Note: Payments should be mailed to the above address made payable to The Town of Lauderdale-By-The-Sea.



INSTR # 112438907  
OR BK 50974 Pages 826 - 828  
RECORDED 07/30/14 01:04:18 PM  
BROWARD COUNTY COMMISSION  
DEPUTY CLERK 2015  
#3, 3 Pages

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

OFFICE OF THE SPECIAL MAGISTRATE  
4501 OCEAN DRIVE  
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA 33308

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

Petitioner,

vs.

FISHERMAN'S PIER INC

Respondent(s)

Case #:

13110014

**ORDER OF IMPOSITION OF FINE AND CLAIM OF LIEN**

TO: FISHERMAN'S PIER INC

4400 OCEAN DR LAUDERDALE BY THE SEA, FL 33308

The Town of Lauderdale-By-The-Sea Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Town of Lauderdale-By-The-Sea Special Magistrate did issue on 4/21/2014, a Final Order in the above captioned case commanding the Respondent(s) to bring the violation(s) specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on dates shown below plus an additional fine to cover costs incurred by the City in the amount of \$0.00.

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 10 - Garbage and Refuse...	Section 10-28(g) - Maintenance.	Trash boxes or receptacles shall be maintained in such manner as not to be visible from the street, except on pickup days, and shall be sufficient for the storage of all general combustible waste, paper, rags, pasteboard boxes, berry boxes, whole bot...	3/18/2014	3/27/2014	\$200.00
Chapter 10 - Garbage and Refuse...	Section 10-31(1) - Dumpster type containers.	Dumpster type containers of at least one cubic yard in size may be used as garbage receptacles provided that the following criteria are met: All dumpster type receptacles must be enclosed within a dumpster enclosure that shall be constructed of conc...	3/18/2014	3/25/2014	\$200.00

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Fine
Chapter 30 - Unified Land Development Regulations...	Section 30-271.xxx B-1 district—Business	Uses not listed. Any use not covered by the above list may be authorized in the B-1 district by the Town Manager or designee only if the proposed use is similar to a listed use; otherwise, an amendment to this chapter is required. The Town Manager or...	6/1/2014		\$200.00

2. That said violation occurred on the following described real property situate, lying and being in Broward County, Florida, to-wit:

**FOLIO #:** 494318012020  
**LEGAL DESCRIPTION:** LAUDERDALE BY THE SEA 6-2 B LOT 2,3 BLK 20  
**STREET ADDRESS:** BOUGAINVILLE Dr LAUDERDALE BY THE SEA, FL 33308

3. That the Respondent(s) did not comply with the Final Order on or before the date specified therein.

Upon complying with this Final Order, the Respondent(s) **SHALL NOTIFY Torres, T.**, the Code Compliance Inspector, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Inspector. **Additionally, a fine of \$100.00 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**

5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances, as currently enacted or as may be amended from time to time, and **such lien shall be co-equal with the liens of all state, county, district, and municipal taxes, and superior in dignity to all other liens, titles and claims regardless of when created or recorded.** The Special Magistrate Clerk is directed to record a true copy of this Order in the Public Records of Broward County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

**You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violation(s) was/were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Broward County, constituting a lien on the subject real property.**

Respondents may appeal a final administrative order of the Special Magistrate for the Town of Lauderdale-By-The-Sea to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED this 6-26-2014

ATTEST: OFFICE OF THE SPECIAL MAGISTRATE

[Signature]

SPECIAL MAGISTRATE CLERK

[Signature]

SPECIAL MAGISTRATE

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26 day of June, 2014 by Idalia Gutierrez and Tom Ansbro, Special Magistrate, respectively, of the Town of Lauderdale-By-The-Sea, who are personally known to me and who did not take an oath.

My Commission Expires:

[Signature]  
NOTARY PUBLIC, State of Florida at Large

Karen Gates  
Print, type or stamp name of Notary

FF073198  
Commission Number, if any

Note: Mail your payment to the above address made payable to The Town of Lauderdale-By-The-Sea.



**CERTIFICATION**

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

29 day of July, 2014  
[Signature] Town clerk

FISHERMAN'S PIER/ANGLIN FAMILY TRUST PROPERTIES

Code Fine(s) Report

CODE CASE INFORMATION													
Owner	Code Case	Violation	SM Code Hearing Date	Compliance Date	Date Fine Starts	Days in Violation	Fine per Day	Total Fine(s)	Administrative Fee	Mitigation Amount (\$M/Comm)	Total Due	Amount Paid	Balance Due (Fines/Fees)
Fisherman's Pier 4400 N Ocean Dr Folio #494318011180	14100006	<u>Section 17-91(l). - Sidewalk café permits.</u> The sidewalk area covered by the permit, and sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly appearance at all times, and the area shall be cleared of all debris as needed during the day, again at the close of each business day and as may be directed by the Town Manager or designee. <b>(SIDEWALK CAFE TABLES STAINING (RUST STAINS) THE SIDEWALK.)</b>	11/17/2014								\$ -	\$ -	\$ -
Anglin Family Trust 14 E Comm Blvd Folio #494318010240	14100001	<u>Chapter Sign Section 30-505(b). Prohibited signs.</u> The following types of signs are expressly prohibited within the Town: Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary sign; <b>(MULLIGAN'S HAS A SANDWICH BOARD SIGN OUTSIDE THE BUILDING ADVERTISING BREAKFAST SPECIAL.)</b>	11/17/2014								\$ -	\$ -	\$ -
Anglin Family Trust 2 E Comm Blvd Folio #494318010270	14090018	<u>Section 105.1 Required.</u> Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. <b>(AC UNIT AT ANGLIN'S BEACH CAFE CHANGED WITHOUT A BUILDING PERMIT.)</b>	10/20/2014								\$ -	\$ -	\$ -

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Owner	Code Case	Violation	SM Code Hearing Date	Compliance Date	Date Fine Starts	Days in Violation	Fine per Day	Total Fine(s)	Administrative Fee	Mitigation Amount (\$M/Comm)	Total Due	Amount Paid	Balance Due (Fines/Fees)
Anglin Fam Tr 2 E Comm Blvd Folio #494318010270	14090014	<p><u>Section 30-122.(a) (3) Site plan requirements. Vehicular reservoir areas.</u> Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.</p> <p><b>(TOLL BOOTH RELOCATED TO THE ENTRANCE OF THE PARKING LOT, CREATING QUEUING OF TRAFF ON COMM BLVD. THE QUEUING ON THE SITE WAS ADDRESSED DURING PERMIT REVIEW AND THE TOWN REQUIRED THE TOLL BOOTH AND TOLL TAKER TO BE SITUATED FURTHER INTO THE SITE TO ENSURE THE VEHICLES ENTERING THE PARKING AREA WOULD NOT OBSTRUCT COMM BLVD.)</b></p>	10/20/2014								\$ -	\$ -	\$ -
Anglin Fam Tr 2 E Comm Blvd Folio #494318010270	14090014	<p><u>Section 30-314 (b) (6) - Off-street parking general requirements.</u> 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 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.</p> <p><b>(PARKING LOT OWNER/OPERATOR IS EFFECTIVELY REDUCING THE REQUIREMENTS OF THE PARKING FACILITIES BY ALLOWING "PAID PRIVATE PARKING".)</b></p>	10/20/2014								\$ -	\$ -	\$ -

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Fisherman's Pier, Inc. 4400 N Ocean Dr Folio #494318011180	14030015	Chapter 20-Utilities 20-22(a)(3). Prohibited discharges; penalty. Use prohibited. It shall be unlawful for any person to discharge or cause to be discharged into the sanitary sewer system any of the following: Any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. <b>(ATHENA EMPLOYEES ARE USING OBJECTS (i.e., HANGERS) TO DRAIN STORM WATER INTO SEWER PIPES.)</b>	8/18/14	4/15/14				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fisherman's Pier, Inc. 4400 N Ocean Dr Folio #494318011180	14030015	Chapter 6- Building and Building Regulations Section 6-37 (1)(a) - Maintenance appearance standards. The owner and operator of all properties governed by the code shall maintain the exterior of the premises in such a manner to conform with all Town codes and ordinances; avoid blighting influences onto neighboring properties; and avoid the creation of hazards to public health, safety and welfare. Such maintenance and appearance will be judged by the following standards. The exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing or other holes or breaks. All screened enclosures shall be properly fitted and maintained.  All other surfaces shall be maintained free of broken glass, crumbling stone, brick or stucco, or other conditions reflective of deterioration or inadequate maintenance. <b>(THREE (3) SEWER CLEANOUT CAPS BEHIND ATHENA, DOGGIES &amp; DIAMONDS AND KILWINS IN DISREPAIR OR MISSING.)</b>	8/18/14		11/17/14		\$150		\$ 150.00	\$ -	\$ 150.00	\$ -	\$ 150.00
Fisherman's Pier, Inc. 4400 N Ocean Dr Folio #494318011180	14030015	Chapter 6- Building and Building Regulations Section 6-41 (a)(1)-Maintenance of exterior of premises. The exterior of buildings and structures and all property shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following: Junk, trash, debris or construction materials not being actively utilized for construction. <b>(MISCELLANEOUS OBJECTS ATOP ROOF CANOPY (EYEBROW), BACK OF BUILDING BY ALLEYWAY.)</b>	8/18/14	4/15/14				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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Fisherman's Pier, Inc. 4400 N Ocean Dr Folio #494318011180	14030015	Chapter 6-Building and Building Regulations Section 6-41 (a)(2)- Maintenance of exterior of premises. The exterior of buildings and structures and all property shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to the following: Abandoned, discarded or unused objects or wquipment, such as automobiles, boats, trucks or bused, furniture, stoves, refrigerators, freezers, trailers, can or containers.  (MISCELLANEOUS OBJECTS ATOP ROOF CANOPY (EYEBROW), BACK OF BUILDING BY ALLEYWAY.)	8/18/14	4/15/14				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fisherman's Pier, Inc. 4400 N Ocean Dr Folio #494318011180	14030015	Chapter 6 - Building and Building Regulations Section 6-41 (b)- Maintenance of exterior of premises. The exterior of building and structures and all property shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty if he owner or operator to keep the premises free of hazards which include, but are not limited to, the following: The exterior of every building shall be maintained in a good state of repair and all surfaces thereof shall kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained for the disposal of garbage  All surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained for the disposal of garbage  (NO DUMPSTER ENCLOSURE)	8/18/14		11/17/14		\$150				\$ -	\$ -	\$ -
Sub-Total											\$ 150.00	\$ -	\$ 150.00

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Fisherman's Pier, Inc. L 2 & 3, B 20 Folio #494318012020	13110014	Ch. 10-Garbage and Refuse Section 10-28(g)-Maintenance. Trash boxes or receptacles shall be maintained in such manner as not to be visible from the street, except on pickup days, and shall be sufficient for the storage of all general combustible waste, paper, rags, pasteboard boxes, berry boxes. whole bottles, broken glass and empty tins, fruit or vegetable cans. <b>(NO CART ENCLOSURE)</b>	11/18/13 (F.O.)		3/19/14		\$200.00	\$0.00	\$200.00	\$0.00	\$200.00	\$0.00	\$200.00
			12/16/13 (Revised F.O.)	3/27/14	3/19/14	9	\$200.00	\$1,800.00	\$200.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00
			5/21/2014 (TM Mitigation)			9	\$200.00	\$1,800.00	\$200.00	\$784.00	\$1,216.00	\$1,216.00	\$0.00
Fisherman's Pier, Inc. L 2 & 3, B 20 Folio #494318012020	13110014	Chapter 10-Garbage and Refuse Section 10-31(l)-Dumpster type containers. Dumpster type containers of at least one cubic yard in size may be used as garbage receptacles provided that the following criteria are met: All dumpster type receptacles must be enclosed within a dumpster enclosure that shall be constructed of concrete or other fencing materials approved by the Town Building Department. The enclosure shall be six feet in height with six-foot high gates constructed of metal or other material approved by the Town Building Department. The enclosure shall further consist of a six-foot wide imperious, paved surface upon which the dumpster shall be placed. <b>(NO DUMPSTER ENCLOSURE)</b>	11/18/13 (F.O.)		3/19/14		\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			12/16/13 (Revised F.O.)	3/25/14	3/19/14	7	\$200.00	\$1,400.00	\$0.00	\$0.00	\$1,400.00	\$0.00	\$1,400.00
			5/21/14 (TM Mitigation)			7	\$200.00	\$1,400.00	\$0.00	\$784.00	\$616.00	\$616.00	\$0.00
Fisherman's Pier, Inc. L 2 & 3, B 20 Folio #494318012020	13110014	Chapter 30-Unified Land Development Regulations Section 30-271.xxx B-1 district-Business Uses not listed. Any use not covered by the above list may be authorized in the B-1 district by the Town Manager or designee only if the proposed use is similar to a listed use; otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult with the Town Commission on any proposal to find that a use is similar, prior to authorizing such use in the B-1 district. <b>(ILLEGAL PARKING OF CARS)</b>	11/18/13 (F.O.)		11/25/13		\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			12/16/13 (Revised F.O.)		3/19/14		\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			4/21/14 (Revised F.O.)	9/19/14	6/2/14	110	\$200.00	\$22,000.00	\$100.00	\$0.00	\$22,100.00	\$0.00	\$22,100.00
Sub-Total								\$25,200.00	\$300.00	\$1,568.00	\$23,932.00	\$1,832.00	\$22,100.00

**FISHERMAN'S PIER/ANGLIN FAMILY TRUST PROPERTIES**

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Anglin Family Trust 2 E Comm Blvd Folio #494318010270	12070010	Section 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. <b>(TIKKI HUT INSTALLED WITHOUT A PERMIT.)</b>	9/19/2012 (F.O.)	12/26/12	9/21/12	97	\$250	\$24,250.00	\$250.00	\$0.00	\$24,500.00	\$250.00	\$24,250.00
			12/17/12 (Revised F.O.)	12/26/12	12/28/12	0	\$0	\$0.00	\$250.00	\$0.00	\$250.00	\$250.00	\$0.00
<b>Sub-Total</b>								<b>\$24,250.00</b>	<b>\$250.00</b>	<b>\$0.00</b>	<b>\$250.00</b>	<b>\$250.00</b>	<b>\$0.00</b>

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Anglin Family Trust 2 E Comm Blvd Folio #494318010270	13110015	Chapter 30-Unified Land Development Regulations Section 30-271.(2); 1-2 B-1 district-Business. (2) Conditional uses. The following conditional uses may be permitted upon approval pursuant to the conditional use procedures of this Code: i. "Paid private parking" on parcels with a primary use, excluding standalone parking lots in accordance with the following requirements: 1. During business operational hours, only non-required parking spaces may be used as paid private parking. 2. After business hours, required parking may also be used for paid private parking. <b>(NO CONDITIONAL USE PERMIT FOR PAID PRIVATE PARKING.)</b>	11/18/13 (F.O.)	1/13/14	11/20/13	55	\$250.00	\$13,750.00	\$200.00	\$0.00	\$13,950.00	\$0.00	\$13,950.00
			3/20/14 (SM Mitigation)	1/13/14	11/20/13	55	\$250.00	\$13,750.00	\$0.00	\$11,750.00	\$2,000.00	\$2,000.00	\$0.00
Anglin Family Trust 2 E Comm Blvd Folio #494318010270	13110015	Chapter 30-Unified Land Development Regulations Section 30-261(e)(1) Outside seating for restaurants. On private property other than a sidewalk that is accessory to the primary restaurant use may be permitted subject to the following regulations: Permit required. It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee. <b>(NO PERMIT FOR OUTSIDE SEATING.)</b>	11/18/13 (F.O.)	11/19/13	11/19/13	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Anglin Family Trust 2 E Comm Blvd Folio #494318010270	13110015	Chapter 30-Unified Land Development Regulations Section 30-317(g)-Design standards 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. <b>(PARKING STRIPES FADED/NEED TO RESTRIPE.)</b>	11/18/13 (F.O.)	4/3/14	2/17/14	46	\$150.00	\$6,900.00	\$0.00	\$0.00	\$6,900.00	\$0.00	\$6,900.00
			3/20/14 (I.O.F.)	4/3/14	2/17/14	46	\$150.00	\$6,900.00	\$0.00	\$0.00	\$6,900.00	\$0.00	\$6,900.00
			Town Commission Mitigation 11/18/2013					\$6,900.00	\$200.00	\$3,381.00	\$3,719.00	\$3,719.00	\$0.00
<b>Sub-Total</b>								<b>\$20,650.00</b>	<b>\$200.00</b>	<b>\$15,131.00</b>	<b>\$5,719.00</b>	<b>\$5,719.00</b>	<b>\$0.00</b>

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Anglin Family Trust 14 E Comm Blvd Folio #494318010250	12080006	<u>Section 10-30 Unlawful disposal.</u> It shall be unlawful for any person to permit or allow storage or disposal of garbage wastes in anything but a container as provided for in this article. <b>(GARBAGE AROUND THE DUMPSTER AND PROPERTY.)</b>	9/19/2012 (F.O.)	11/19/12	9/24/12	57	150	\$8,550.00	\$250.00	\$0.00	\$8,800.00	\$0.00	\$8,800.00
		<u>Section 6-38(1) Responsibility of owners and/or operators</u> The owner and/or operator of any property shall jointly and severally: Maintain the property in a clean and sanitary condition; <b>(PROPERTY NOT BEING MAINTAINED IN A SANITARY CONDITION.)</b>	9/19/2012 (F.O.)	11/19/12	9/24/12	57	150	\$8,550.00	\$0.00	\$0.00	\$8,550.00	\$0.00	\$8,550.00
			8/6/2013 (SM Mitigation)					\$17,100.00	\$250.00	\$17,100.00	\$250.00	\$250.00	\$0.00
Sub-Total								\$17,100.00	\$250.00	\$17,100.00	\$250.00	\$250.00	\$0.00
<b>TOTAL</b>								<b>\$87,200.00</b>	<b>\$1,000.00</b>	<b>\$33,799.00</b>	<b>\$ 30,301.00</b>	<b>\$ 8,051.00</b>	<b>\$ 22,250.00</b>