



TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Administrative Adjustment

PROPERTY/APPLICANT INFORMATION

Date: _____ Permit Number Assigned: _____

Property Address: _____

Legal Description: Lot _____ Block _____ Folio _____

Subdivision _____

Zoning District: _____

Property Owner's Name: _____

Address: _____

Phone #: _____ Fax _____

Email address: _____

Owner/Applicant's Name: _____

Phone #: _____ Fax _____

Email address: _____

Signature of Applicant/Owner: _____

Print Name of Applicant/Owner: _____

State of : _____ County: _____

Notary: _____ My Commission expires : _____

Personally Known: _____ ID: _____

***Letter required from Owner(s) if represented by Agent.**

ADMINISTRATIVE ADJUSTMENT PROCEDURES OR STANDARDS

Code Section from which Administrative Adjustment is sought: _____

Description of your request: _____

On a separate page, describe how your administrative adjustment request meets the criteria for administrative adjustment approval: (Refer to Section 30-128 of the Town Code, which is attached for your reference).

Attach additional pages if necessary

Supply copies of the following:

Two (2) sealed surveys of the entire property, completed within sixty (60) days of the date this application is filed. The survey must clearly identify and indicate distances between all structures, property lines, setbacks, easements, and adjacent rights of way. If the adjustment is for an existing structure, the survey should clearly indicate the area in which the administrative adjustment is necessary.

Two (2) copies of a Site Plan under Seal of a Florida licensed Architect or Engineer, which clearly depicts the proposed improvements, which necessitates the adjustment 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 adjustment, does not need to be sealed. The site plan is not necessary for adjustments requested for existing buildings.

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 Administrative Adjustment Fee Amount:

Level 1	\$150.00
Level 2	\$350.00
Appeal of Level 1	\$200.00
Deposit for consultant	\$500.00

Town Off-Site Consultant (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.

Sec. 30-128. - Administrative adjustments.

(a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

(b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following Table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that may be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks for existing structures with no setback changes	n/a	30% or 5 feet, whichever is less
All other setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking Standards	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All Other

(c) *Level 1 Administrative Adjustments.*

(1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

(d) *Level 2 Administrative Adjustments.*

(1) *Review of Adjustment of Parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.

(2) *Review of Adjustment of Building Standards.*

a. A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

(e) *Criteria for Approval.*

(1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table, and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
- c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way;
- d. The Administrative Adjustment furthers a minimum of one of the following conditions:
 - i. Required to compensate for some unusual aspect of the development site or the proposed development; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety,
- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
- g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
- h. The Administrative Adjustment is consistent with the comprehensive plan.

(2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

(f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014)