

Board of County Commissioners, Broward County, Florida  
Environmental Protection and Growth Management Department  
Planning and Redevelopment Division  
DEVELOPMENT REVIEW REPORT

PROJECT DESCRIPTION		Agenda Number	
Name:	ROYAL ATLANTIC	Number:	003-MP-03
Applicant:	Royal Atlantic Developers, LLC	Comm. Dist.:	4
Agent:	Gunster Yoakley & Stewart	Sec/Twp/Rng:	01-50-42
Location:	Between Bayshore Drive and Intracoastal Waterway, South of Terramar Street	Platted Area:	0.7805 Acres
City:	Fort Lauderdale	Gross Area:	N/A
Replat:	This is a New Finding of Adequacy for a Recorded Plat (Plat Book 174, Pages 32-33)		

LAND USE			
Existing Use:	Vacant	Effective Plan:	Fort Lauderdale
Proposed Use:	37 Mid-rise Units	Plan Designation:	Regional Activity Center; See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Multi-family Residential	North:	Regional Activity Center
South:	Multi-family Residential	South:	Regional Activity Center
East:	Multi-family Residential, Hotel	East:	Regional Activity Center
West:	Intracoastal Waterway	West:	Intracoastal Waterway
Existing Zoning:	IOA (Intracoastal Overlook Area)	Proposed Zoning:	N/A

RECOMMENDATION (See Attached Conditions)

APPROVAL: Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances.

Meeting Date: 04/08/14  
Action Deadline: 05/13/14  
Deferral Dates:

Prepared: PK  
Reviewed:  
Approved:

## Continued

## SERVICES

Wastewater Plant:	G.T. Lohmeyer (01/14)	Potable Water Plant:	Fort Lauderdale (03/06)
Design Capacity:	48.0000 MGD	Design Capacity:	90.0000 MGD
12-Mo. Avg. Flow:	39.1800 MGD	Peak Flow:	59.7000 MGD
Est. Project Flow:	0.0093 MGD	Est. Project Flow:	0.0074 MGD

Comments: Sufficient capacity exists at this time.      Comments: Sufficient capacity exists at this time.

## PARKS

## SCHOOLS

Dwelling Units	Impact Fee
37	*

\* See Staff Comment No. 5  
See Finding No. 2  
\* See Recommendation No. 1

Local:  
Regional:

Land Dedication	Impact Fee	Admin. Fee
County conducts no local review within municipalities	N/A	N/A
N/A	*	*

\* See Staff Comment No. 6  
See Finding No. 4  
\* See Recommendation No. 1

## TRANSPORTATION

Concurrency Zone: Eastern Core	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	14	*	N/A
Non-res. uses:	N/A	N/A	N/A
Total:	14	*	N/A

\* See Staff Comment No. 4  
See Finding No. 1  
\* See Recommendation No. 1

ROYAL ATLANTIC  
003-MP-03

STAFF COMMENTS

- 1) This plat was approved on February 17, 2004 for 37 high rise units, with a requirement that a building permit be issued by February 17, 2009. No building permit was issued, and in accordance with Section 5-181(o) of the Land Development Code, the County's finding of adequacy has expired.
- 2) Staff findings and recommendations pertaining to this application for a new finding of adequacy are based on the use being 37 mid-rise units. In accordance with Ordinance 2013-30, effective October 4, 2013, mid-rise units are defined as *four (4) or more attached dwelling units in a building with four (4) to eight (8) residential stories (exclusive of parking levels)*.
- 3) The comments, findings, and recommendations contained in this report supersede all previous development review reports and delegation requests approved by the County Commission.
- 4) This plat is located within a Transportation Concurrency Management Area. Transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. On January 17, 2006, transit impact fees in the amount of **\$5,994.00** were paid for proposed 37 high rise units; however, building permits were never issued for these units. This payment will be credited towards future transportation concurrency fee assessments.
- 5) This application generates one student at one or more levels (i.e., elementary, middle and high), and in accordance with Section 5-182(m)(1)a) of the Land Development Code, is subject to the requirements of public school concurrency. School Board staff has reviewed this application and determined that it satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. Therefore, this plat will be subject to school impact fees which will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. On January 17, 2006, school impact fees were paid in the amount of **\$17,612.00** for 37 two-bedroom high rise units. This amount will be credited towards future school impact fee assessments. See the attached School Capacity Availability Determination (SCAD) letter received from the School Board.
- 6) In accordance with Land Development Code amendments adopted September 22, 2009, and September 24, 2013, regional park impact and administrative fees will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval. On April 29, 2004, regional park administrative fees in the amount of **\$370.00** were paid for the proposed 37 high rise units, and on January 17, 2006, regional park

Continued

impact fees in the amount of **\$10,730.00** were paid for proposed 37 two-bedroom high rise units. These amounts will be credited towards future park administrative and impact fee assessments.

- 7) This plat is not located in a wellfield zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 8) Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. The surface water management licensing requirements of the Environmental Engineering and Licensing Section of the Broward County Environmental Licensing and Building Permitting Division must be met prior to any construction.
- 9) The Environmental Engineering and Licensing Section has advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding, or altering either a gravity sanitary sewer, a sanitary force main, or a pump station, per Chapter 27, Article V of the Broward County Code of Ordinances regarding Water Resource Management. Wastewater receiving lift stations and force mains are critical components of the conveyance system. As part of the licensing process, adequate capacity will need to be demonstrated for the receiving off-site sanitary sewer conveyance system. For additional information, please contact the Environmental Engineering and Licensing Section at 954-519-1483.
- 10) Review of available information by staff of the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Aquatic and Wetland Resources Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 11) Applicant has been informed that the proposed development contains or abuts water bodies or will be creating same. Excavation or filling of any surface waters, or the construction or repair of in-water structures such as seawalls and docks, are regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. The applicant is advised that any work proposed in, on, over, or under waters of Broward County will require a license from the Aquatic and Wetland Resources Section.
- 12) The Aquatic and Wetland Resources Section encourages that all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials

Continued

should not include any plants considered to be invasive of South Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division.

- 13) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. This Inventory may be accessed at <http://gis.broward.org/flex/ProtectedNaturalLands/> and provides information regarding the ownership and management for each of the Protected Natural Lands. Review of aerial photographs indicates that the subject site contains tree canopy.
- 14) Development of the site must comply with the Tree Preservation Regulations of the City of Fort Lauderdale if trees are to be removed or relocated. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 15) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division 954-519-1483 for specific license requirements.
- 16) A Storage Tank License may be required if there will be fuel storage associated with either an emergency generator system. Contact the Pollution Prevention, Remediation and Air Quality Division at 954-519-1260 for specific license requirements.
- 17) The subject plat is in the vicinity of a known contaminated site and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, approval of an application for a building permit or approval to construct or alter shall not be granted until the Pollution Prevention, Remediation and Air Quality Division is satisfied that the construction or alteration will not interfere with the cleanup of the contaminants on site [Section 27-66(h) Broward County Code of Ordinances]. It should also be noted that the Pollution Prevention, Remediation and Air Quality Division must approve any dewatering activities at this site.
- 18) Approval of this new finding of adequacy does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of building permit approval. Approval to connect to such systems is approved by the Environmental Licensing and Building Permitting Division as a prerequisite to, and just prior to, approval of building permits by the appropriate building department for any structures that are to be built on the platted site. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.

Continued

- 19) This property is within 20,000 feet of Fort Lauderdale-Hollywood International Airport. Any proposed construction on this property or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-2291.
- 20) The Broward County Historical Commission staff has reviewed this finding of adequacy application and determined that significant archaeological resources are not likely to be affected by development on this site. However, in the event that any unanticipated archaeological features or artifacts are discovered, the Historical Commission must be notified within 24 hours. If any unmarked human burial remains are discovered, then work in the vicinity of the burial find must halt immediately, until a determination can be made pursuant to FS Chapter 872, by either the state archaeologist or the county medical examiner, regarding the disposition of the remains. In addition, pursuant to Section 5-305, Ordinance No. 92-38 entitled Protection and Preservation of Archaeological Sites Discovered During the Development Process, in the event that future artifacts are uncovered during development activities, said activities shall be discontinued in the immediate vicinity of the discovery site and the procedures set forth in the aforementioned ordinance shall be initiated. For additional information, contact County Archaeologist Matthew De Felice at 954-357-5506 or [mdefelice@broward.org](mailto:mdefelice@broward.org).

The Broward County Historical Commission has no objection to this application. However, staff notes that this plat is located within the Fort Lauderdale/Broward County – Beach Barrier Island Archaeological Zone and the Birch Estates Historic District (FMSF 8BD4462). The Birch Estates Historic District is characterized by significant and extant early to mid-century architecture. The proposed development may have an impact on historical resources within this District, including the Lauderdale Surf Club Coop located at 425 Bayshore Drive (FMSSF 8BD4472) immediately south of this plat; and the Lorelei Apartment Hotel located at 501 Orton Avenue (FMSF 8BD4486) east of this plat. These resources, as well as others within the Birch Estates Historic District, are eligible for inclusion on the National Register of Historic Places and local County and City historical registers.

- 21) This plat is located in the Fort Lauderdale Central Beach Regional Activity Center and is subject to the recorded Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center (O.R. Book 34094, Pages 1407-1412, B.C.R.). Section 2.1 of the Agreement requires the City to monitor development activity and to enforce permitted land use densities and intensities within the Regional Activity Center. See the attached comments and agreement received from the Broward County Planning Council.
- 22) The attached letters have been received from the City of Fort Lauderdale.

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- 23) The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

FINDINGS

- 1) This plat is located within the Eastern Core Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This application for a new finding of adequacy has been reviewed by the School Board, and satisfies the public school concurrency requirements of Section 5-182(m)(1)a) of the Land Development Code. See the attached SCAD letter received from the School Board.
- 3) This application for a new finding of adequacy satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This application for a new finding of adequacy satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code.

STAFF RECOMMENDATIONS

- 1) Applicant must pay any additional transportation concurrency fees, school impact fees, and regional park impact and administrative fees during the review of construction plans submitted for County environmental review approval by the Development Management and Environmental Review Section of the Planning and Redevelopment Division, in accordance with the fee schedule specified in the Land Development Code. Impact and administrative fee amounts are subject to adjustment each October 1.
- 2) Within twelve (12) months of approval of this application for a new finding of adequacy, comply with all conditions of approval and record an agreement acceptable to the County Attorney's Office to amend the note on the plat as follows:
  - A) This plat is restricted to 37 mid-rise units.
  - B) This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an

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owner or owners of property within this plat who took title to the property with reference to this plat.

- C) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **April 8, 2019**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or
  - D) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **April 8, 2019**, which date is five (5) years from the date of approval of this application by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.
  - E) Any structure within this plat must comply with Section IV D. 1. f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.
- 3) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

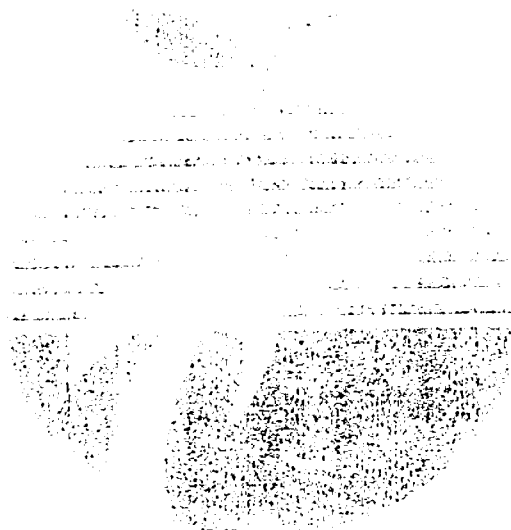


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**The School Board of Broward County, Florida**  
**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION**  
**PLAT**  
**SBBC-1411-2013**  
**County Number: 003-MP-03 Municipality Number: TBD**  
**Royal Atlantic Condominium**

**December 16, 2013**



**Growth Management**  
**Facility Planning and Real Estate Department**  
**600 SE 3rd Avenue, 8th Floor**  
**Fort Lauderdale, Florida 33301**  
**Tel: (754) 321-2177 Fax: (754) 321-2179**  
**[www.browardschools.com](http://www.browardschools.com)**

**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION  
PLAT**

PROJECT INFORMATION	NUMBER & TYPE OF PROPOSED UNITS	OTHER PROPOSED USES	STUDENT IMPACT
<b>Date:</b> December 16, 2013	<b>Single-Family:</b>		<b>Elementary:</b> 1
<b>Name:</b> Royal Atlantic Condominium	<b>Townhouse:</b>		
<b>SBBC Project Number:</b> SBBC-1411-2013	<b>Garden Apartments:</b>		<b>Middle:</b> 0
<b>County Project Number:</b> 003-MP-03	<b>Mid-Rise:</b> 37		
<b>Municipality Project Number:</b> TBD	<b>High-Rise:</b>		<b>High:</b> 0
<b>Owner/Developer:</b> Royal Atlantic Developers, LLC	<b>Mobile Home:</b>		
<b>Jurisdiction:</b> Fort Lauderdale	<b>Total:</b> 37		<b>Total:</b> 1

**SHORT RANGE - 5-YEAR IMPACT**

Currently Assigned Schools	Gross Capacity	LOS Capacity	Benchmark Enrollment	Over/Under LOS	Classroom Equivalent Needed to Meet LOS	% of Gross Capacity	Cumulative Reserved Seats
Harbordale	480	480	427	-53	-2	89.0%	1
Sunrise	1,403	1,403	1,349	-54	-2	96.2%	0
Fort Lauderdale	1,854	1,854	2,073	219	9	111.8%	0

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% Gross Cap. Adj. Benchmark	Projected Enrollment				
				14/15	15/16	16/17	17/18	18/19
Harbordale	428	-52	89.2%	409	425	420	411	411
Sunrise	1,349	-54	96.2%	1,336	1,351	1,366	1,358	1,353
Fort Lauderdale	2,073	219	111.8%	2,028	1,908	1,927	1,841	1,823

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark enrollment is taken on the Monday following Labor Day and is used to apply individual charter school enrollment impacts against school facility review processes.

### CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2013-14 Contract Permanent Capacity	2013-14 Benchmark Enrollment	Over/(Under)	Projected Enrollment		
				14/15	15/16	16/17
No Charter Schools						

### PLANNED AND FUNDED IMPROVEMENTS IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN

School(s)	Description of Improvements
Harbordale	None
Sunrise	None
Fort Lauderdale	Construct two 3-story buildings, previously budgeted and already factored into the schools FISH capacity number.

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The benchmark enrollment count taken on the first Monday following Labor Day is used to apply individual charter school enrollment impacts against school facility review processes.

### Comments

According to the application, there are no units built on the site. This concurrent plat and site plan application was reviewed as 37 mid-rise units and as proposed, is determined to generate 1 elementary school student.

The application site in the 2013/14 school year is served by Harbordale Elementary, Sunrise Middle and Fort Lauderdale High Schools' concurrency service areas (CSAs), however because the project is only anticipated to generate one elementary school student, Harbordale Elementary School is the only CSA anticipated to be impacted by the project. Based on the District's Public School Concurrency Planning Document (PSCPD), Harbordale Elementary and Sunrise Middle Schools are operating below the Adopted Level of Service Standard (LOS) of 100% of gross capacity, while Fort Lauderdale High School exceeds the LOS of 100%. Also, incorporating the cumulative students anticipated from this project and approved and vested developments anticipated to be built within three years, the impacted schools are anticipated to maintain their status for the next two effective school years.

It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment.

There are no charter schools located within a two-mile radius of the project site in the 2013/14 school year. Students returning, attending or anticipated to attend charter schools are factored into the five-year student enrollment projections for District schools. Enrollment projections are adjusted for all elementary, middle and high schools impacted by a charter school until the charter school reaches full enrollment status. To ensure maximum utilization of the impacted CSAs, the Board may utilize school boundary changes to accommodate students generated from developments in the County. Capital improvements scheduled in the currently Adopted District Educational Facilities Plan, FY 2013/14 – 2017/18, regarding pertinent impacted public schools are depicted above.

This application is determined to satisfy public school concurrency on the basis that adequate school capacity is anticipated to be available to support the residential development as currently proposed by the applicant. This preliminary School Capacity Availability Determination (SCAD) shall be valid until the end of the current 2013/14 school year or 180 days, whichever is greater, for a maximum of 37 mid-rise units and conditioned upon final approval by the applicable governing body. As such, this determination will expire on August 17, 2014. This preliminary school concurrency determination shall be deemed to be void unless prior to the referenced expiration of the Preliminary SCAD, notification of final approval to the District has been provided and/or an extension of this Preliminary SCAD has been requested in writing and granted by the District. Upon the District's receipt of sufficient evidence of final approval by the regulatory agency which shall specify at the minimum the number, type and bedroom mix for the approved residential units, the District will issue and provide its final SCAD letter for the approved units, which shall ratify and commence the vesting period for the approved residential project. The applicant shall notify the District of any proposed changes to the development, which increases the number of students generated by the project. If a change is proposed to the application, which causes additional students to be generated by the project, the students will not be considered exempt or vested from public school concurrency (PSC) when the project is re-reviewed.

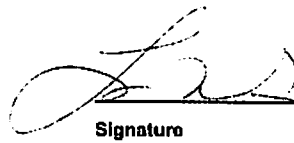
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SBBC-1411-2013 Meets Public School Concurrency Requirements

☒ Yes ☐ No

Reviewed By:

12/16/13  
Date

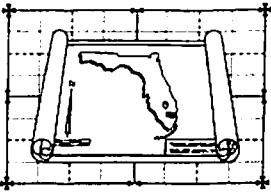
  
Signature

Lisa Wight

Name

Planner

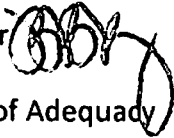
Title



## BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

TO: Henry A. Sniezek, Director  
Planning and Redevelopment Division  
Broward County Environmental Protection and Growth Management Department

FROM: Barbara Blake Boy, Executive Director 

RE: Royal Atlantic (003-MP-03) Findings of Adequacy  
City of Fort Lauderdale

DATE: February 24, 2014

**RECEIVED**  
FEB 25 2014  
BY: \_\_\_\_\_

This memorandum updates our previous comments regarding the referenced plat dated February 11, 2014.

The Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan is the effective land use plan for the City of Fort Lauderdale. That plan designates the area covered by this plat for the uses permitted in the "Fort Lauderdale Central Beach Regional Activity Center" land use category. This plat is generally located on the west side of Bayshore Drive, south of Riomar Street.

Regarding the proposed uses, this plat is subject to the executed "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center," as recorded in Official Record Book 34094, Pages 1407-1412.

The effective land use plan shows the following land uses surrounding the plat:

North: Fort Lauderdale Central Beach Regional Activity Center  
South: Fort Lauderdale Central Beach Regional Activity Center  
East: Fort Lauderdale Central Beach Regional Activity Center  
West: Intracoastal Waterway

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:DBT

cc: Lee Feldman, City Manager  
City of Fort Lauderdale

Greg Brewton, Director, Department of Sustainable Development  
City of Fort Lauderdale



CFN # 102410538, OR BK 34094 Page 1407, Page 1 of 6, Recorded 11/13/2002 at  
01:11 PM, Broward County Commission, Deputy Clerk 2000

Return recorded document to:

Sharon L. Cruz, Deputy County Attorney  
Broward County Attorney's Office  
115 S. Andrews Avenue, Rm 423  
Ft. Lauderdale, FL 33301

Document prepared by:

Sharon L. Cruz, Deputy County Attorney  
Broward County Attorney's Office  
115 S. Andrews Avenue, Rm 423  
Ft. Lauderdale, FL 33301

**THIS IS NOT AN OFFICIAL COPY**

**INTERLOCAL AGREEMENT FOR THE  
MONITORING OF DEVELOPMENT ACTIVITY AND  
ENFORCEMENT OF PERMITTED LAND USES  
IN REGIONAL ACTIVITY CENTER**

This is an Interlocal Agreement made and entered into by and between:  
BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to  
as "COUNTY,"

AND

CITY OF FORT LAUDERDALE, a Florida municipal corporation, created and  
existing under the laws of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, this Agreement is entered into pursuant to § 163.01, Florida Statutes,  
also known as the "Florida Interlocal Cooperation Act of 1969"; and

WHEREAS, it is the purpose and intent of the parties to this Interlocal Agreement,  
to permit COUNTY and CITY to make the most efficient use of their respective powers,  
resources and capabilities by enabling them to cooperate on the basis of mutual advantage  
and thereby accomplish the objectives provided for herein in the manner that will best  
accord with the existing resources available to each of them and with the needs and  
developments within their respective jurisdictions; and

WHEREAS, the density and intensity of land uses permitted within each Regional  
Activity Center (RAC) is specified within the Broward County Land Use Plan; and

WHEREAS, CITY has the Fort Lauderdale Central Beach Regional Activity Center,  
Downtown Fort Lauderdale Regional Activity Center, Northwest Fort Lauderdale Regional  
Activity Center and the South Fort Lauderdale Regional Activity Center (RAC's) within its  
jurisdiction; and

1

Approved BCC 10/22/02 # 83  
Submitted By Co-Attorney  
RETURN TO DOCUMENT CONTROL

NC



WHEREAS, CITY and COUNTY entered into a Memorandum of Understanding on August 14, 2001 providing for the mechanism for the allocation of available residential dwelling units in all regional activity centers at the time of site plan approval; and

WHEREAS, the Memorandum of Understanding continues in full force and effect; and

WHEREAS, CITY and COUNTY wish to provide that the monitoring of development activity and the enforcement of permitted land uses shall be the responsibility of CITY, NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and CITY agree as follows:

#### ARTICLE 1

##### BACKGROUND-PURPOSE AND INTENT

1.1 The above recitals are true and correct and incorporated herein as if set forth in full hereunder.

1.2 It is the purpose and intent of this Interlocal Agreement for COUNTY and CITY, pursuant to Section 163.01, Florida Statutes, to cooperate and provide for a means by which each governmental entity may exercise its respective powers, privileges and authorities which they share in common and which each might exercise separately in order to further a common goal.

#### ARTICLE 2

##### MONITORING OF DEVELOPMENT ACTIVITY

- 2.1 CITY agrees to monitor development activity and to enforce permitted land use densities and intensities within the RAC's consistent with the effective land use plan as certified by the Broward County Planning Council.
- 2.2 CITY agrees to submit quarterly reports to the Broward County Planning Council setting forth its monitoring and enforcement activities within the RAC's to enable COUNTY to ensure that the density and intensity of land uses within the RAC's are being complied with by CITY.

#### ARTICLE 3

##### INDEMNIFICATION

CITY is a state agency as defined in Chapter 768.28, Florida Statutes, and COUNTY is a political subdivision of the State of Florida. Each agrees to be fully responsible for acts and omissions of their elected officials, agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to

which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract.

#### **ARTICLE 4** **MISCELLANEOUS**

- 4.1 **Joint Preparation:** The preparation of this Interlocal Agreement has been a joint effort of the parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.
- 4.2 **Entire Agreement and Modification:** This Interlocal Agreement incorporates, supersedes and includes all prior negotiations, correspondence, conversations, agreements or understanding applicable to the matter contained herein. It is further agreed that no change, alteration or modification in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
- 4.3 **Records:** In accordance with the Public Records Law, CITY agrees to permit COUNTY to examine all records and grants COUNTY the right to audit any books, documents and papers that were generated during the course of administration of the "Site". CITY shall maintain the records, books, documents and papers associated with this Interlocal Agreement in accordance with the Public Records Act.
- 4.4 **Recordation/Filing:** This Agreement shall be recorded in the public records of Broward County, in accordance with the Florida Interlocal Cooperation Act of 1969.
- 4.5 **Default:** In the event of any default or breach of any of the terms of this Interlocal Agreement, it is specifically acknowledged and agreed that either party shall, in addition to all other remedies which may be available in law or equity, have the right to enforce this Interlocal Agreement by specific performance, injunctive relief, prohibition or mandamus to compel the other party to abide by the terms of this Interlocal Agreement.
- 4.6 **Notices:** Whenever either party desires to give notice unto the other, such notice must be in writing, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended at the place last specified; and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice:

FOR COUNTY:

Administrator  
Broward County Planning Council  
115 S. Andrews Avenue, Rm. 307  
Fort Lauderdale, Florida 33301-4801

FOR CITY:

City Manager  
City of Fort Lauderdale  
100 North Andrews Avenue  
Fort Lauderdale, Florida 33301

THIS IS NOT AN

4.7 Choice of Law: Waiver of Jury Trial: Any controversies or legal problems arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the State of Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation.

4.8 Conflict: In the event that this Interlocal Agreement conflicts with any other agreement pertaining to the monitoring of development activity and the enforcement of the density or intensity of permitted land uses within the RAC's, CITY and COUNTY agree that the terms and conditions contained in this Interlocal Agreement shall prevail.

4.9 Counterpart Originals: The parties agree that this Agreement may be executed in counterparts, and that collectively the counterparts shall be considered an original agreement and shall be deemed legally sufficient and binding upon the parties.

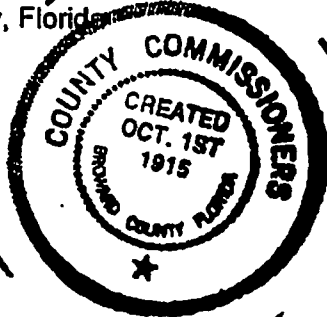
[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the 22<sup>nd</sup> day of October, 2002, and CITY of FORT LAUDERDALE signing by and through its Mayor City Manager, duly authorized to execute same.

COUNTY

ATTEST:

*[Signature]*  
County Administrator and  
Ex-Officio Clerk of  
the Board of County  
Commissioners of Broward  
County, Florida



BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

By

*[Signature]*  
Chair

22<sup>nd</sup> day of October, 2002.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
EDWARD A. DION, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By

*[Signature]*  
Sharon L. Cruz  
Deputy County Attorney

INTERLOCAL AGREEMENT FOR MONITORING OF DEVELOPMENT ACTIVITY AND  
ENFORCEMENT OF PERMITTED LAND USES IN REGIONAL ACTIVITY CENTER

CITY

WITNESSES:

CITY OF FORT LAUDERDALE

*Supern B. Ali*  
\_\_\_\_\_  
By *[Signature]* Mayor-Commissioner  
\_\_\_\_\_  
*Thomas Brackett Bank*  
\_\_\_\_\_  
ATTEST:  
*[Signature]* *Kisela*  
\_\_\_\_\_  
CITY Clerk

*26* day of *September*, 2002.

By *[Signature]*  
\_\_\_\_\_  
CITY Manager

*25<sup>th</sup>* day of *Sept*, 2002.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By *Sharon P. Miller*  
*asst* CITY ATTORNEY

sic/wpd  
07/02/02  
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#01-401.24



*Venice of America*

CITY OF  
**FORT LAUDERDALE**

December 6, 2013

Mr. Henry Sniezek, Director  
Planning and Environmental Regulation Division  
1 North University Drive, Building A, Suite 102  
Plantation, Florida 33324

RE: Letter of no objection to plat note amendment - Royal Atlantic Plat

Dear Mr. Sniezek:

As the definition of high rise units has changed in the Broward County Land Development Code, the City of Fort Lauderdale has no objection to changing the language in the Royal Atlantic Plat note amendment from "37 high rise units" to "37 mid-rise units."

Sincerely,

Randall Robinson  
Planner II

c: Evy Kalus, Broward County Planning and Environmental Regulation Division  
Heidi Davis, Gunster, Yoakley  
Ella Parker, Urban Design & Planning Manager, Department of Sustainable Development





*Venice of America*

CITY OF  
**FORT LAUDERDALE**

November 15, 2013

Mr. Henry Sniezek, Director  
Planning and Environmental Regulation Division  
1 North University Drive, Building A, Suite 102  
Plantation, Florida 33324

**RE: Letter of no objection to plat note amendment - Royal Atlantic Plat**

Dear Mr. Sniezek:

The City of Fort Lauderdale is in receipt of a request for a plat note amendment to the Royal Atlantic Plat, recorded in plat book 174, page 32.

As per Broward County Code Section 5-181, changes to plat approval conditions, shall not be accepted unless the municipality has issued a letter or adopted a resolution stating the municipality's position regarding the application.

The specific plat note amendment request is as follows:

**From:**

13) IF A BUILDING PERMIT FOR A PRINCIPAL BUILDING (EXCLUDING DRY MODELS, SALES AND CONSTRUCTION OFFICES) AND FIRST INSPECTION APPROVAL ARE NOT ISSUED BY FEBRUARY 17, 2009, WHICH DATE IS FIVE (5) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT BY BROWARD COUNTY, THEN THE COUNTY'S FINDINGS OF ADEQUACY SHALL EXPIRE AND NO ADDITIONAL BUILDING PERMITS SHALL BE ISSUED UNTIL SUCH TIME AS BROWARD COUNTY SHALL MAKE A SUBSEQUENT FINDING THAT THE APPLICATION SATISFIES THE ADEQUACY REQUIREMENTS SET FORTH WITHIN THE BROWARD COUNTY LAND DEVELOPMENT CODE. THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR PROVIDING EVIDENCE TO BROWARD COUNTY FROM THE APPROPRIATE GOVERNMENTAL ENTITY, DOCUMENTING COMPLIANCE THIS THIS REQUIREMENT WITHIN THE ABOVE REFERENCED TIME FRAND: AND/OR



- 14) IF PROJECT WATER LINES, SEWER LINES, DRAINAGE, AND THE ROCK BASE FOR INTERNAL ROADS ARE NOT INSTALLED BY FEBRUARY 17, 2009, WHICH DATE IS FIVE (5) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT BY BROWARD COUNTY, THEN THE COUNTY'S FINDING OF ADEQUACY SHALL EXPIRE AND NO ADDITIONAL BUILDING PERMITS SHALL BE ISSUED UNTIL SUCH TIME AS BROWARD COUNTY SHALL MAKE A SUBSEQUENT FINDING THAT THE APPLICATION SATISFIES THE ADEQUACY REQUIREMENTS SET FORTH WITHIN THE BROWARD COUNTY LAND DEVELOPMENT CODE. THIS REQUIREMENT MAY BE SATISFIED FOR A PHASE OF THE PROJECT, PROVIDED A PHASING PLAN HAS BEEN APPROVED BY BROWARD COUNTY. THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR PROVIDING EVIDENCE TO BROWARD COUNTY FROM THE APPROPRIATE GOVERNMENTAL ENTITY, DOCUMENTING COMPLIANCE WITH THIS REQUIREMENT WITHIN THE ABOVE REFERENCED TIME FRAME.

To:

- 13) IF A BUILDING PERMIT FOR A PRINCIPLE BUILDING (EXCLUDING DRY MODELS, SALES AND CONSTRUCTION OFFICES) AND FIRST INSPECTION APPROVAL ARE NOT ISSUED BY \_\_\_\_\_, WHICH DATE IS FIVE (5) YEARS FROM THE DATE OF APPROVAL OF THE PLAT NOTE AMENDMENT BY BROWARD COUNTY, THEN THE COUNTY'S FINDINGS OF ADEQUACY SHALL EXPIRE AND NO ADDITIONAL BUILDING PERMITS SHALL BE ISSUED UNTIL SUCH TIME AS BROWARD COUNTY SHALL MAKE A SUBSEQUENT FINDING THAT THE APPLICATION SATISFIES THE ADEQUACY REQUIREMENTS SET FORTH WITHIN THE BROWARD COUNTY LAND DEVELOPMENT CODE. THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR PROVIDING EVIDENCE TO BROWARD COUNTY FROM THE APPROPRIATE GOVERNMENTAL ENTITY, DOCUMENTING COMPLIANCE WITH THIS REQUIREMENT WITHIN THE ABOVE REFERENCED TIME FRAME: AND/OR
- 14) IF PROJECT WATER LINES, SEWER LINES, DRAINAGE, AND THE ROCK BASE FOR INTERNAL ROADS ARE NOT INSTALLED BY \_\_\_\_\_, WHICH DATE IS FIVE (5) YEARS FROM OF THE APPROVAL OF THE PLAT NOTE AMENDMENT BY BROWARD COUNTY, THEN THE COUNTY'S FINDING OF ADEQUACY SHALL EXPIRE AND NO ADDITIONAL BUILDING PERMITS SHALL BE ISSUED UNTIL SUCH TIME AS BROWARD COUNTY SHALL MAKE A SUBSEQUENT FINDING THAT THE APPLICATION SATISFIES THE ADEQUACY REQUIREMENTS SET FORTH WITHIN THE BROWARD COUNTY LAND DEVELOPMENT CODE. THIS REQUIREMENT MAY BE SATISFIED FOR A PHASE OF THE PROJECT, PROVIDED A PHASING PLAN HAS BEEN APPROVED BY BROWARD COUNTY. THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR PROVIDING EVIDENCE TO BROWARD COUNTY FROM THE APPROPRIATE GOVERNMENTAL ENTITY, DOCUMENTING COMPLIANCE WITH THIS REQUIREMENT WITHIN THE ABOVE REFERENCED TIME FRAME.



Mr. Henry Sniezek  
November 15, 2013  
Page 3 of 3

As per Broward County Code Section 5-181, changes to plat approval conditions, shall not be accepted unless the municipality has issued a letter or adopted a resolution stating the municipality's position regarding the application.

Pursuant to ULDR Section 47-24.5 of the Code of Ordinance of the City of Fort Lauderdale, the City has reviewed the proposed plat note amendment and has no objection.

If you have any questions or require additional information, please feel free to contact Stacey Gordon at 954-828-6531 or [sgordon@fortlauderdale.gov](mailto:sgordon@fortlauderdale.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lee R. Feldman".

Lee R. Feldman, ICMA-CM  
City Manager

c: Susanne Torriente, Assistant City Manager  
Evy Kalus, Broward County Planning and Environmental Regulation Division  
Heidi Davis, Gunster, Yoakley  
Greg Brewton, Director, Department of Sustainable Development  
Ella Parker, Urban Design & Planning Manager, Department of Sustainable Development