



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#24-0934

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: October 1, 2024

TITLE: First Reading - Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-39, Development Regulations for Annexed Areas to Update Height, Measurement and Definition Requirements – Case UDP-T24002 - **(Commission Districts 3 and 4)**

Recommendation

Staff recommends the City Commission consider an amendment to the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-39, Development Regulations for Annexed Areas, to update height, measurement, and definition requirements.

Background

The proposed amendment was initiated based on a communication made on October 12, 2022, by the City’s Board of Adjustment (BOA) to the City Commission to request the “City take a look at the height and zoning requirements in the annexed areas to more accurately reflect current building construction techniques.”

The BOA’s communication was a result of a property owner in the Riverland Road area’s application for a development permit to add a second story to an existing house and a subsequent application to the BOA to challenge staff’s interpretation of the ULDR. The residence is located in the RS-6.85A zoning district and is subject to the Annexed Areas zoning regulations in Section 47-39.A., ULDR. ULDR Section 47-39.A.6. limits the height of building or structures in the annexed areas to a maximum height of two (2) stories. The definition of “story” pursuant to Section 47-39.A.2.B is as follows:

Story: A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7½) feet. Any upper story which does not exceed two-thirds ($\frac{2}{3}$) of the area of the first-floor level shall not be considered a story except for determining the height of the building. To determine the height of a building, a story shall be every ten (10) feet of building height above the first-floor level measured from the exterior elevation. For purposes of determining the height of a

structure other than a building, a story shall be ten (10) feet in height of the structure above the established grade.

Based on this limitation the Zoning Administrator interprets the maximum height in this area to be 20 feet. The property owner argued the height of a story is every completed 10 feet. Under the property owner's interpretation a building 29 feet 11 inches in height is only 2 stories as the 9 feet 11 inches would not constitute a complete story. The property owner unsuccessfully challenged the Zoning Administrator's interpretation with the BOA. The BOA upheld the Zoning Administrator's interpretation, but sent a Communication to the City Commission to request the "City take a look at the height and zoning requirements in the annexed areas to more accurately reflect current building construction techniques." The October 12, 2022, BOA meeting minutes are attached as Exhibit 1.

At the City Commission Conference meeting on November 1, 2022, the City Commission discussed BOA's communication and directed staff to reach out to affected neighborhoods to get feedback regarding the proposed amendments. The November 1, 2022, City Commission Conference meeting minutes are attached as Exhibit 2.

On February 21, 2024, the Planning and Zoning Board (PZB), acting as the local planning agency ("LPA"), reviewed the subject ordinance and recommended approval, by a vote of 9-0, finding the proposed changes are consistent with the City of Fort Lauderdale Comprehensive Plan. The February 21, 2024, PZB Staff Report, and meeting minutes are attached as Exhibit 3 and Exhibit 4, respectively. Please be advised that the exhibits from the February 21, 2024, Staff Report are presented in this memorandum as Exhibit 1,2,5,6 and the proposed ordinance is attached as Exhibit 9.

These revisions adopt code language consistent with how height measurements are applied in other residential areas throughout the City and are regulations more easily understood by residents and applicants. Below is a detailed summary for each of the proposed ULDR amendment sections, including intent and description of section content.

Section 47-39.A.2.B

Intent: Remove terms that are no longer applicable and add new terms and definitions based on the proposed regulations.

Description: The proposed amendments will delete the term *story* and add the following terms and definitions to apply to the annexed areas, consistent with the rest of the City as well as the current Broward County and Florida Building code:

Accessory Building: An "accessory building" is a subordinate building which is located on the same development site as the principal building, the use of which building is clearly incidental to the use of the principal building.

Plot Coverage: The combined area occupied by all buildings and roofed structures.

Principal Building: A building that is occupied by, devoted to, a principal use on the development site and shall include any addition or alteration to an existing principal building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one (1) principal building on a parcel.

Principal Structure: A structure, the use of which is the primary use of the land. A principal structure may consist of a building or an unmanned or uninhabited structure such as a communication tower, utility substation, parking facility or other similar construction. There may be more than one (1) principal structure on a parcel.

Section 47-39.A.6.

Intent: Update how height is measured, create dimensional requirement tables, and replace the term duplex with two-unit townhouse.

Description: The proposed amendment will measure height using feet and not stories and apply the maximum height consistent with comparable residential zoning districts throughout the city. Table 1 below provides the proposed height based on the zoning district.

Table 1: Residential Zoning Districts Proposed Height

Type of District	District	Proposed Height
One-family detached dwelling districts	RS-3.52, RS-6.85A, RS-6.85B	35 feet
One-family detached dwelling district	RS-6.70	20 feet
Duplex and attached one-family dwelling district	RD12.22	35 feet
Multiple-family dwelling district	RM-12.67	35 feet for one-family dwelling/Duplex, Attached one-family dwelling 40 feet for multi-family dwelling
Multiple-family dwelling district	RM-16	35 feet for one-family dwelling/Duplex, Attached one-family dwelling 40 feet for a multifamily dwelling

Multiple-family dwelling districts	RM-33.5	35 feet for one-family dwelling/Duplex, Attached one-family dwelling 55 feet for a multi-family dwelling
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For RS-6.70 zoning located in the Melrose Park neighborhood, the height will be measured based on a maximum of 20 feet (not stories), consistent with existing regulations. In addition, dimensional requirement tables were created, similar to how the rest of the ULDR is formatted to better define regulations for zoning districts in the annexed areas. A location map highlighting the proposed height for each zoning district is attached as Exhibit 5.

Table 2 below provides an example of the proposed table of dimensional requirements.

Table 2: Table of Dimensional Requirements for RS-3.52, RS-6.70, RS-6.85A, RS-6.85B districts.

Requirements	RS-3.52	RS-6.70	RS-6.85A	RS-6.85B
Maximum density per net acre	3.52	6.70	6.85	6.85
Minimum plot area per unit	10,000 square feet	7,500 square feet	6000 square feet	6000 square feet
Maximum Structure Height	35 feet	20 feet	35 feet	35 feet
Minimum plot width	Note A			
Minimum floor area per dwelling unit	800 square feet	1,000 square feet	800 square feet	800 square feet
Minimum Front Yard	25 feet			
Minimum side yard	7.5 feet, up to 22 feet in height Where a building exceeds 22 feet in height, that portion of the building above 22 feet shall be set back an additional 1 foot per foot of additional height.			
Minimum street side yard	15 feet			
Minimum rear yard	15 feet			

Maximum plot Coverage	40%
<p>Note A: Every individual plot shall have at least one (1) 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. The minimum plot size for all permitted nonresidential uses shall be one (1) net acre, with a minimum street frontage of one hundred fifty (150) feet, except that existing nonresidential buildings on plots that are less than one (1) 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. Every individual plot used for nonresidential uses shall maintain a setback along any street side of at least thirty (30) feet in all residential zoning districts.</p>	

Staff sent an initial communication to the neighborhood associations affected by the proposed changes on May 1, 2023. In response, staff received several letters of support as well as one in opposition from the Melrose Park Neighborhood Association. In addition, a public outreach meeting was scheduled for June 7, 2023, however, no one from the public attended. Staff presented the proposed amendments separately to the Melrose Park Neighborhood Association on September 28, 2023. Comments received varied and many opposed increasing the height to 35 feet and requested the height remain the same as the existing regulations. In response, staff did not modify existing height requirements for Melrose Park in the proposed amendments. Letters of support and opposition from the Melrose Park Neighborhood Association are attached as Exhibit 6.

During the PZB meeting, a question was raised regarding the March 15, 2023, support letter from Lauderdale Isles Civic Improvement Association where the letter states “supporting a code change to limit building height to two stories and less than 30 feet, including parapet walls”, whereas the proposed amendment is for 35 feet. After the PZB meeting, on May 16, 2024, staff presented to the Lauderdale Isle Civic Improvement Association, Inc. to obtain additional feedback on the height limitation that the neighborhood would support. A ballot was provided by the neighborhood association and 72% of attendees favored the height to be within the 20’ - 25’ maximum height and 23% favored the maximum height of 35 feet. A letter provided by the President of Lauderdale Isle Civic Improvement with a summary of the May 16, 2024, meeting is provided as Exhibit 7. A letter from a resident within the Lauderdale Isles Civic Improvement Association regarding the May 16, 2024, meeting is attached as Exhibit 8.

The proposed ordinance is attached as Exhibit 9.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are*

Community

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan specifically advancing:

- The Neighborhood Enhancement Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhoods character and compatibility of uses.

Attachments

Exhibit 1 – October 12, 2022, BOA Minutes

Exhibit 2 – November 01, 2022, City Commission Conference Meeting Minutes

Exhibit 3 – February 21, 2024, PZB Staff Report

Exhibit 4 – February 21, 2024, PZB Meeting Minutes

Exhibit 5 – Location Maps with Proposed Heights

Exhibit 6 – Letters from Civic Associations

Exhibit 7 – May 29, 2024, Lauderdale Isles Civic Improvement Association Letter

Exhibit 8 – June 14, 2024, Melanie Hnot Letter

Exhibit 9 – Ordinance

Exhibit 10 – Business Impact Estimate

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