



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING  
DEVELOPMENT SERVICES DEPARTMENT  
700 NW 19 AVENUE, FORT  
LAUDERDALE, FL 33311  
WEDNESDAY, MARCH 20, 2024 – 6:00 P.M.**

June 2023 - May 2024 (Cumulative)

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Michael Weymouth, Chair	P	8	0
Brad Cohen, V Chair	P	6	2
John Barranco	P	6	2
Mary Fertig	P	7	1
Steve Ganon	P	7	1
Marilyn Mammano	A	6	2
Shari McCartney	P	8	0
Patrick McTigue	P	8	0
Jay Shechtman	P	7	1

**Communication to the City Commission**

**Motion** made by Mr. John Barranco and seconded by Mr. Patrick McTigue requesting staff communicate to the City Commission the need to address the disproportionate parking requirements for medical office use in the City of Ft. Lauderdale, for it to be reevaluated and potentially reduced, excluding hospital parking.

In a voice vote, the motion **passed** (8-0)



CITY OF FORT LAUDERDALE

**DRAFT**

**PLANNING AND ZONING BOARD MEETING MINUTES  
DEVELOPMENT SERVICES DEPARTMENT  
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311  
WEDNESDAY, MARCH 20, 2024 – 6:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Michael Weymouth, Chair	P	8	0
Brad Cohen, Vice Chair	P	6	2
John Barranco	P	6	2
Mary Fertig (arr. 6:07)	P	7	1
Steve Ganon	P	7	1
Marilyn Mammano	A	6	2
Shari McCartney	P	8	0
Patrick McTigue	P	8	0
Jay Shechtman	P	7	1

**Staff**

Ella Parker, Urban Design and Planning Manager  
D'Wayne Spence, Deputy City Attorney  
Shari Wallen, Assistant City Attorney  
Karlanne Devonish, Urban Design and Planning  
Michael Ferrera, Urban Design and Planning  
Yvonne Redding, Urban Design and Planning  
James Hollingsworth, Zoning Division  
Leona Osamor, Parks and Recreation Department  
Leslie Harmon, Recording Clerk, Prototype, Inc.

**Communication to City Commission**

**Motion** made by Mr. John Barranco and seconded by Mr. Patrick McTigue requesting staff communicate to the City Commission the need to address the disproportionate parking requirements for medical office use in the City of Ft. Lauderdale, for it to be reevaluated and potentially reduced, excluding hospital parking

**Motion** made by Mr. Barranco, seconded by Mr. McTigue, requesting Staff communicate to the City Commission the need to address the disproportionate parking requirements for medical office use in the City of Fort Lauderdale, for it to be evaluated and considered to be reduced, not including hospitals. In a voice vote, the **motion** passed unanimously (8-0).

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Weymouth called the meeting to order at 6:02 p.m. The Pledge of Allegiance was recited and the Chair introduced the Board and Staff members present.

**II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM**

It was noted a quorum was present at the meeting.

**Motion** made by Mr. McTigue, seconded by Ms. McCartney, to approve the February 21, 2024 meeting minutes. In a voice vote, the **motion** passed unanimously.

### III. PUBLIC SIGN-IN / SWEARING-IN

Any members of the public wishing to speak at tonight's meeting were sworn in at this time.

### IV. AGENDA ITEMS

#### Index

<u>Case Number</u>	<u>Applicant</u>
1. PL-R19062**	Hunter H. Homes, LLC
2. UDP-Z23016* **	702 NW 3 <sup>rd</sup> Street LLC and 718 NW 3 <sup>rd</sup> Street LLC
3. UDP-Z23017* **	Neal H. Mitchell, BDM Ventures Florida, LLLP, Wayne P. and Jean M. Shallenberger
4. UDP-S22084**	City of Fort Lauderdale
5. UDP-Z23011* **	City of Fort Lauderdale
6. UDP-T24003*	City of Fort Lauderdale
7. UDP-T24004*	City of Fort Lauderdale

#### **Special Notes:**

**Local Planning Agency (LPA) items (\*)** – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

**Quasi-Judicial items (\*\*)** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

- 1. CASE:** PL-R19062  
**REQUEST:** \*\* Site Plan Level III: Seventeen Unit Cluster Development  
**APPLICANT:** Hunter H. Homes, LLC.  
**AGENT:** Stephanie Toothaker, Esq.  
**PROJECT NAME:** River Oaks Cluster  
**PROPERTY ADDRESS:** 1712 SW 24th Street  
**ABBREVIATED LEGAL DESCRIPTION:** Rio Colony 177-78 B, Parcel A  
**ZONING DISTRICT:** Residential Single Family and Duplex/Medium Density (RD-15) District  
**LAND USE:** Residential Medium  
**COMMISSION DISTRICT:** 4 – Warren Sturman  
**NEIGHBORHOOD ASSOCIATION:** River Oaks Civic Association

**CASE PLANNER:** Yvonne Redding

Chair Weymouth requested a motion to defer Item PL-R19062 until the May 15, 2024 meeting.

**Motion** made by Vice Chair Cohen, seconded by Mr. McTigue, to defer. In a voice vote, the **motion** passed unanimously.

**2. CASE:** UDP-Z23016

**REQUEST:** \* \*\* Rezoning from Residential Multifamily Mid Rise/Medium High Density (RMM-25) District to Northwest Regional Activity Center-Mixed Use West (NWRAC-MUw) District

**APPLICANT:** 702 NW 3RD ST LLC and 718 NW 3 ST LLC

**AGENT:** Stephanie J. Toothaker, Esq.

**ADDRESS:** 728 NW 3rd Street, 204 and 216 NW 8th Avenue

**ABBREVIATED LEGAL DESCRIPTION:** FT LAUDERDALE LAND & DEV CO SUB BLK 6 FT LAUD 1-57 D LOT 13 TO 15 BLK D; AND FT LAUDERDALE LAND & DEV CO SUB BLK 6 FT LAUD 1-57 D S 85 OF LOTS 16 THRU 18 BLK D; AND FT LAUDERDALE LAND & DEV CO SUB BLK 6 FT LAUD 1-57 D LOTS 16 THRU 18 LESS S 85 BLK D

**ZONING DISTRICT:** Residential Multifamily Mid Rise/Medium High Density (RMM-25) District

**PROPOSED ZONING:** Northwest Regional Activity Center-Mixed Use West (NWRAC-MUw) District

**LAND USE:** Northwest Regional Activity Center

**COMMISSION DISTRICT:** 3 - Pamela Beasley-Pittman

**NEIGHBORHOOD ASSOCIATION:** Historical Dorsey-Riverbend Civic Association, Inc.

**CASE PLANNER:** Nancy Garcia

Chair Weymouth requested a motion to defer Item UDP-Z23016 to the April 17, 2024 meeting.

**Motion** made by Vice Chair Cohen, seconded by Mr. McTigue, to defer. In a voice vote, the **motion** passed unanimously.

**3. CASE:** UDP-Z23017

**REQUEST:** \* \*\* Rezoning from Residential Multifamily Mid Rise/Medium High Density (RMM-25) District and Exclusive Use Parking (X-P) to Northwest Regional Activity Center-Mixed Use Northeast (NWRAC-MUne) District

**APPLICANT:** Neal H. Mitchell, BDM Ventures Florida LLLP, Wayne P. and Jean M. Shallenberger

**AGENT:** Stephanie J. Toothaker, Esq.

**ADDRESS:** 823, 816, 820, 824 #1-5 NW 1st Avenue, 801 N. Andrews Avenue, 804, 808, and 812 NW 1st Avenue

**ABBREVIATED LEGAL DESCRIPTION:** PROGRESSO 2-18 D LOTS 9 THRU 12, ALL LESS E 15 FOR ST, LOTS 39 & 40 BLK 259; AND PROGRESSO 2-18 D LOT 32 TO 38 BLK 259 LESS PORS DESC IN OR 27933/674; AND 28769/794; 28593/119 & 28525/62 TOG WITH 27974/94; AND PROGRESSO 2-18 D A POR OF LOTS 34, 35, & A POR OF LOT 36 BLK 259 DESC AS: COMM SW COR LOT 25, N 228.89 TO POB, N 66.72, E 135, S 66.72, W 135 TO POB BLK 259; AND PROGRESSO 2-18 D LOT 32, 33 AND A POR OF LOT 34 BLK 259 DESC AS: COMM SW COR LOT 25, N 175 TO POB CONT N 53.89, E 135, S 175, W 135 TO POB BLK 259; AND PROGRESSO 2-18 D LOT 30, 31 BLK 259; AND PROGRESSO 2-18 D LOT 28 N1/2, 29 BLK 259; AND PROGRESSO 2-18 D LOT 27, 28 S1/2 BLK 259; AND PROGRESSO 2-18 D LOTS 17 THRU 24, ALL LESS RD R/W & LOTS 25 & 26 BLK 259  
**ZONING DISTRICT:** Residential Multifamily Mid Rise/Medium High Density (RMM-25) District and Exclusive Use Parking (X-P)  
**PROPOSED ZONING:** Northwest Regional Activity Center-Mixed Use Northeast (NWRAC-MU) District  
**LAND USE:** Northwest Regional Activity Center  
**COMMISSION DISTRICT:** 2 - Steven Glassman  
**NEIGHBORHOOD ASSOCIATION:** Progresso Village Civic Association, Inc.  
**CASE PLANNER:** Nancy Garcia

Chair Weymouth requested a motion to defer Item UDP-Z23017 until the April 17, 2024 meeting.

**Motion** made by Vice Chair Cohen, seconded by Mr. McTigue, to defer. In a voice vote, the **motion** passed unanimously.

The following Item was taken out of order on the Agenda.

7. **CASE:** UDP-T24004  
**REQUEST:** \* Recommend Adoption of the City of Fort Lauderdale Redevelopment Units Policy  
**GENERAL LOCATION:** City-Wide  
**CASE PLANNER:** Nancy Garcia

Chair Weymouth requested a motion to defer Item UDP-T24004 until the April 17, 2024 meeting.

**Motion** made by Vice Chair Cohen, seconded by Mr. McTigue, to defer. In a voice vote, the **motion** passed unanimously.

Ms. Fertig arrived at 6:07 p.m.

4. **CASE:** UDP-S22084

**REQUEST:** \*\* Site Plan Level IV Review: Public Purpose Use for Stormwater Pump Station, Electrical Building, and Emergency Generator  
**APPLICANT:** City of Fort Lauderdale  
**AGENT:** Jorge Camacho, HDR Engineering, Inc.  
**PROJECT NAME:** Dorsey Riverbend Neighborhood Stormwater Improvement  
**GENERAL LOCATION:** 515 NW 15th Avenue  
**ABBREVIATED LEGAL DESCRIPTION:** DORSEY PARK FIRST ADDITION, 21-30 B, BLOCK 1, LOT 12  
**ZONING DISTRICT:** Residential Single Family/Low Medium Density (RS-8) District  
**LAND USE:** Northwest Regional Activity Center  
**COMMISSION DISTRICT:** 3 – Pamela Beasley-Pittman  
**NEIGHBORHOOD ASSOCIATION:** Dorsey Riverbend Civic Association  
**CASE PLANNER:** Michael P. Ferrera

Disclosures were made at this time.

The Board members confirmed by unanimous consent that all Staff Reports would be incorporated into each Item.

Guillermo Rivera of HDR Engineering explained that he represented the Public Works Department's Stormwater Division, which is the Applicant for Case UDP-S22084. The proposed project is a stormwater pump station in the Dorsey Riverbend neighborhood. Because it is adjacent to two residential homes, the Public Works Department requests a public purpose use exemption.

As indicated in the City's Stormwater Master Plan, the pump station will be part of the City's critical infrastructure to reduce flooding within the Dorsey Riverbend neighborhood. The plans include a stormwater pump station with an underground well, as well as an associated electrical building which will power the pump station. An emergency generator will also be located on the site.

In order to blend into the surrounding neighborhood, the Applicant proposes Spanish colonial architecture, landscaping, and a 6 ft. privacy fence around the subject property. Mr. Rivera emphasized that the project will significantly reduce the amount of flooding in the neighborhood.

A Site Plan was submitted to the City's Development Review Committee (DRC) and has addressed all DRC requirements. The landscaping on one side must be reduced to accommodate an easement for Florida Power and Light (FPL), which will provide electricity to the site.

Mr. Ganon requested clarification of whether the pump station will use an injection well or discharge into an outfall. Mr. Rivera explained that the pumps are underground in order

to reduce noise and visibility. There will also be outfall into the New River to relieve flooding in the neighborhood.

Mr. Ganon also asked for clarification of the previous use of the lot. Mr. Rivera replied that the site is a vacant City-owned lot.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Barranco asked which criteria for the Application triggered DRC review. Urban Design and Planning Manager Ella Parker explained that the request is for public purpose use. Relief is requested for placing the facility within the RS-8 zoning district, which is a residential single-family district with low to medium density. Relief is also requested to reduce the landscaping requirement along all property lines which are adjacent to residential properties. The landscaping strip will be reduced from 10 ft. to 2 ft. 6 in. The minimum lot size requirement will also be reduced from 6000 sq. ft. to 5650 sq. ft.

Mr. Barranco asked if all public purpose sites must come before the Planning and Zoning Board (PZB) before they can be developed. Ms. Parker confirmed this.

Ms. Fertig asked if the City has met with the site's neighbors and reviewed the plans with them. Mr. Rivera stated that a public participation meeting was held prior to tonight's PZB meeting, and notice of tonight's PZB meeting was hand-delivered. Signage was posted on the subject property.

**Motion** made by Ms. Fertig, seconded by Mr. McTigue, to recommend approval of Case UDP-S22084 based on the Staff Reports and the testimony that we heard tonight, and we find that the Application meets the applicable criteria of the ULDR cited in the Staff Report. In a roll call vote, the **motion** passed unanimously (8-0).

**5. CASE: UDP-Z23011**

**REQUEST:** \* \* \* Rezoning from General Aviation Airport (GAA) District to Parks, Recreation and Open Space (P) District

**APPLICANT:** City of Fort Lauderdale

**AGENT:** City of Fort Lauderdale

**ADDRESS:** 5101 NW 12th Avenue

**ABBREVIATED LEGAL DESCRIPTION:** A PORTION OF TRACT 1, "F-X-E PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 119, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY SOUTHEAST CORNER OF SAID TRACT 1, "F-X-E" PLAT; THENCE NORTH 02°04'39" WEST ALONG THE WEST RIGHT OF WAY LINE OF NORTHWEST 12 AVENUE, A DISTANCE OF 1276.73 FEET; THENCE SOUTH 88°14'00" WEST, A DISTANCE OF 946.48

FEET; THENCE A DISTANCE OF 469.88 FEET; THENCE SOUTH 46°58'55" EAST, A DISTANCE OF 258.18 FEET; THENCE SOUTH 42°34'19" WEST, A DISTANCE OF 59.31 FEET; THENCE SOUTH 02°00'27" EAST, A DISTANCE OF 72.71 FEET; THENCE SOUTH 45°51'33" EAST, A DISTANCE OF 160.19 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST COMMERCIAL BOULEVARD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT -OF-WAY MAP 86014-MAINT. (4); THENCE NORTH 88°10'19" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 23.52 FEET; THENCE SOUTH 87°03'02" EAST, A DISTANCE OF 138.08 FEET; THENCE NORTH 88° 1 0' 19" EAST, A DISTANCE OF 26.85 FEET TO A POINT OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2460.00 FEET, A CENTRAL ANGLE OF 04°31'51" AND AN ARC DISTANCE OF 194.53 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2340.00 FEET A CENTRAL ANGLE 01°39'57" AND AN ARC DISTANCE OF 68.03 FEET TO A NON-TANGENT POINT; THENCE NORTH 44°54'15" EAST, A DISTANCE OF 51.18 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 859,943 SQUARE FEET OR 19.7416 ACRES, MORE OR LESS.

**ZONING DISTRICT:** General Aviation Airport (GAA) District

**PROPOSED ZONING:** Parks, Recreation and Open Space (P) District

**LAND USE:** Transportation

**COMMISSION DISTRICT:** 1 – John Herbst

**NEIGHBORHOOD ASSOCIATION:** N/A

**CASE PLANNER:** Michael P. Ferrera

Michael Ferrera, representing Urban Design and Planning, stated that this Item is part of the City's efforts to rezone City-owned parks properties to the Parks, Recreation, and Open Space zoning district. This request will rezone 859,567 sq. ft. of land from General Aviation (GAA) to Parks, Recreation, and Open Space (P).

Ms. Fertig requested clarification of the size of the entire parcel. Mr. Ferrera explained that the full parcel has been divided, with the portion to be rezoned to P consisting of 859,567 sq. ft., or roughly 19.7 acres. Only the south parcel is being rezoned, not the stadium parcel.

Ms. Fertig asked for the rationale behind not rezoning the entire property to P and leaving a portion zoned as GAA. Mr. Ferrera replied that Staff was directed to rezone only the south parcel. There was no directive to rezone the stadium parcel.



Mr. Barranco asked what uses are permitted in the P zoning district, and whether these uses included a stadium. Mr. Ferrera advised that the P district permits active and/or passive parks. Deputy City Attorney D'Wayne Spence clarified that a stadium would not be permitted in a Parks, Recreation, and Open Space zoning district.

Attorney Spence continued that when a property on which an existing use is located must be rezoned, the existing use becomes a legal nonconforming use. In this case, the existing stadium would become a legal nonconforming use and would be subject to the Nonconforming Use and Structure sections of Code.

Mr. Shechtman commented that a stadium is not permitted under GAA zoning. Attorney Spence recalled that Code was amended to permit stadiums.

Vice Chair Cohen asked if the City had plans for the use of the subject property. Attorney Spence replied that the subject parcel is part of an overall qualified project approved as a public-private partnership with Inter Miami. One section of that qualified project was designated as a community site. Only that portion of the site is being rezoned to P.

Vice Chair Cohen requested clarification that additional parking would not be permitted on the Park site. Attorney Spence reiterated that the existing plan is for a community site; any question regarding parking should be addressed to the Development Services Department (DSD).

Ms. Parker clarified that park improvements could include some parking associated with uses that are introduced into the Park parcel of the site. A proposal for the site is going through the DRC process.

Chair Weymouth asked if the current use of parking at soccer games will continue to be allowed on the site once its zoning has changed to Parks. Ms. Parker replied that she did not believe stand-alone parking would be permitted, although parking in support of the primary activity of the site would be allowed. She reiterated that a Site Plan will be reviewed by the DRC.

Mr. Shechtman requested clarification of the plans that are making their way through the DRC process for the subject site. Leona Osamor, representing the Parks and Recreation Department, advised that she is tasked with overseeing the administrative portion of the rezoning. She stated that there will be open space as well as a children's playground on the subject site.

Attorney Spence explained that the plans under development are City-developed plans. A consultant is developing the plans in conjunction with the District Commissioner, which will go before the DRC and will be shared with Inter Miami moving forward.

Ms. Fertig asserted that many residents have advocated for areas used as park space to be zoned appropriately as Parks, Recreation, and Open Space. Parcels with this zoning

require a unanimous vote by the City Commission before they can be either sold or changed to another zoning designation.

At this time Chair Weymouth opened the public hearing.

Sue Ann Champion, private citizen, requested information regarding the current parking situation at the stadium, as traffic and congestion at that site are heavy during soccer matches. She noted that the stadium can seat up to 18,000 spectators, but parking is being removed from the site.

Chair Weymouth recalled that several years ago, the Board was asked to grant parking relief “in adjacent areas” to the stadium. His understanding was that concessions had been granted throughout the area, either while the stadium was being built or prior to its construction. The Board is not being asked to change the zoning to a district which permits parking, but to a Parks district. He concluded that the Board could not answer Ms. Champion’s question at this time.

Ms. Champion advised that many areas currently used for parking are on Airport property and will be developed in the future. This will result in the loss of still more parking.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Ganon commented that he had attended several City Commission meetings at which the public-private partnership with Inter Miami had been discussed. He emphasized that the Board’s role is only to make a recommendation to the Commission rather than to give final approval.

**Motion** made by Ms. Fertig, seconded by Vice Chair Cohen, to recommend approval of Case Number UDP-Z23011 based on the findings of fact, the Staff Report, and the testimony we heard tonight, we find that it meets the applicable criteria of the ULDR as cited in the Staff Report. In a roll call vote, the **motion** passed unanimously (8-0).

**6. CASE:** UDP-T24003

**REQUEST:** \* Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-2.2, Measurements, to Redefine the Term Grade

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:** Karlanne Devonish

Karlanne Devonish, representing Urban Design and Planning, stated that the request is for an amendment to the City’s Unified Land Development Regulations (ULDR) which would redefine the term “grade.”

The purpose of the amendment is to redefine a change made in 2021. At that time, the Code required for grade at non-habitable structures to be measured from the abutting property at the base of the accessory structure. She showed an example to illustrate these conditions, noting that several property owners were required to go before the City's Board of Adjustment (BOA) to request variances for additional fence height.

Because there were several requests of this nature, the BOA sent a communication to the City Commission recommending that Staff look into this issue. Code was changed so height was measured from the finished floor elevation of the principal structure; however, the result of this change is that fences are often too high when measured from the finished floor elevation of the principal structure.

Staff now proposes height to be measured based on natural grade rather than from the finished floor height. Front residential rights-of-way will also be based on natural grade.

Ms. Devonish added that grade will also be different for habitable structures in a special flood area and in a non-special flood area. There will be different requirements for non-habitable structures such as fences.

Ms. Devonish called the Board's attention to Exhibit 2, p.3 in their backup materials, noting that under "C: Equipment," the phrase "Flood Department" should be changed to refer to the Federal Emergency Management Agency (FEMA).

Vice Chair Cohen asked if, should land not be graded in the manner set forth by Code, the proposal would mean land would be "graded downward" toward an adjacent property. He also requested clarification of whether the change was because fences are too high or because the intent is to correct flooding.

James Hollingsworth, representing the City's Zoning Division, explained that a new Flood Ordinance was passed late in 2023 in which FEMA no longer allows three to four feet of fill to be brought onto a site. If a fence is 6 ft. 6 in., for example, and the builder brought in fill, the fence would reach a maximum height of 7 ft. 6 in.

Chair Weymouth requested clarification of the minimum fence height that can be built. Ms. Devonish replied that there is no minimum, but the maximum height in residential districts is 6 ft. 6 in.

Chair Weymouth also asked for clarification of the purpose of a fence as intended by the Application, pointing out that it would not be intended to hold back drainage. Ms. Devonish explained that the typical reasons for a fence include privacy and similar concerns. A property owner would not build to the maximum height of 6 ft., but would be more likely to build a 4 ft. fence, which would look like a 6 ft. fence.

Mr. Barranco cited the example of a property with a higher natural grade than a neighboring property: in this case, the neighbor with the lower property is looking at a wall

that is effectively 6 ft. tall, while the neighbor at the higher grade is looking at a wall that appears much lower. This would not provide sufficient privacy for the lower property.

Mr. Barranco continued that because an owner must build new construction to a minimum finished floor elevation, the fence on the lower property would have to be 6 ft. 6 in. over the grade at their property line. It was also noted that Code requires a retention area to keep surface water on a property.

Mr. Barranco asked if the owner of a property at lower grade would be able to build a higher fence for reasons of privacy, as the property at a higher grade would see only a lower fence. Mr. Hollingsworth stated that the owner may only build a fence on their own property, measured from the base of the fence. This would not allow the owner of the lower property to build a taller fence. He noted that most variance requests prior related to this issue have come from owners building new homes who want to add extra height to their fences.

It was asked why a property owner at a lower grade would have to add extra height rather than build a 6 ft. 6 in. fence on top of their grade. Mr. Hollingsworth advised that Code was changed to measure grade from the finished floor of the house. Chair Weymouth asked why Code could not be changed to allow an owner to build a 6 ft. 6 in. fence at the established grade of the property line. Mr. Hollingsworth explained that this is what Staff hopes to amend Code to allow. Current Code requires measurement from the finished floor of the principal structure, not from the grade at the base of an accessory structure.

Chair Weymouth asked why taller fences were not permitted. Mr. Hollingsworth replied that neighbors did not want extremely high fences abutting their properties, and the City has received complaints to this effect.

Chair Weymouth also asked why accessory structures were included in this consideration of height. Mr. Hollingsworth stated that accessory structures have limitations on height because they are built in setbacks. Their height would be limited because they would be closer to the neighboring property. Chair Weymouth commented that the proposed amendment would only serve to postpone the identification of further issues.

Vice Chair Cohen requested clarification that FEMA now restricts the amount of fill on a property to 1 ft. Mr. Hollingsworth confirmed this. Vice Chair Cohen observed that fill is often added to balance a back yard/swimming pool area, and if water passes beneath a seawall, the back yard may flood.

Mr. Hollingsworth emphasized that the newer regulations are not coming from the City, but from FEMA.

Mr. Barranco advised that berms and swales are typically created around the edges of a property to help retain water on-site, which means there is never a situation in which grade slopes to a wall as depicted in the slide presentation. He asserted that he would be

more comfortable with a 6 ft. 6 in. maximum height on the higher property and an 8 ft. maximum on the lower property when there is a differential grade.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Fertig to recommend approval of Case Number UDP-T24003, and the Board hereby finds that the text amendment to the [ULDR] are consistent with the Comprehensive Plan.

Chair Weymouth recommended that the **motion** be **amended** to include the amendment to Exhibit 2, p.3, Subsection 3CI as stated earlier in Staff's presentation, which replaces the term "Flood Department" with "Federal Emergency Management Agency (FEMA) approved base flood elevation as amended or revised from time to time." Ms. Fertig accepted the **amendment**.

Vice Chair Cohen **seconded** the **motion**. In a roll call vote, the **motion** failed 3-5 (Chair Weymouth, Vice Chair Cohen, Mr. Barranco, Ms. McCartney, and Mr. Shechtman dissenting).

Assistant City Attorney Shari Wallen suggested that the Board make a **motion** to deny the Application, including a clarification of why denial is recommended.

**Motion** made by Mr. Barranco, seconded by Ms. Fertig, to recommend denial of Case Number UDP-T24003 based on the reasons that the text as written is hard to follow and does not cover all the conditions that may exist; it is not clear as to what natural grade is and on either side of the property line, and it's ambiguous, and the Board hereby finds that the text amendments to the ULDR are inconsistent with the Comprehensive Plan.

It was confirmed that the **motion** to deny did not need to specify the changes to the Staff Report cited in the failed **motion**.

In a roll call vote, the **motion** passed unanimously (8-0).

## **V. COMMUNICATION TO THE CITY COMMISSION**

Mr. Barranco recalled that at a previous meeting, the Board had requested that Staff look into the City's parking requirements for medical uses, as they seemed excessive. He advised that he has encountered this issue several times when existing parking on a property does not match up with Code requirements, and that many of these developments would be successful with less parking. He concluded that he wished to follow up on this issue as there has been no formal response from Staff, and suggested that some research could be conducted prior to the next Board meeting.

Ms. Parker confirmed that Staff has researched this issue and concurs with the Board's judgment. The Institute of Traffic Engineers (ITE) manual also supports a parking reduction. When the previous communication was sent to the City Commission, the Commission had expressed broader concerns, which may or may not have specifically addressed medical use. She concluded that the Board may wish to make a clearer communication to the Commission addressing only medical uses.

Ms. Fertig commented that she recalled a case several years ago in which it was stated that a parking lot at a hospital facility was unlikely to be filled, but it is now difficult to find a parking space at that location. Chair Weymouth pointed out that this case applied to a hospital rather than a medical office. Ms. Fertig asserted that she wished to ensure that whatever action the Board may recommend does not affect hospital parking.

Ms. Parker confirmed that Staff had looked only at medical office parking and had not included hospital parking. Ms. Fertig stated that this would depend upon the medical office, as medical offices near hospitals may have an impact on parking. It was clarified that the previous communication, and any communication made at tonight's meeting, would be specific to medical offices and not hospitals.

**Motion** made by Mr. Barranco, seconded by Mr. McTigue, that we have Staff communicate to the City Commission that we would like to address the disproportionate parking requirements for medical use in the City of Fort Lauderdale, and we would ask that that be looked at and considered to be reduced, not including hospitals. In a voice vote, the **motion** passed unanimously (8-0).

## **VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Mr. Shechtman recalled that the Board had also previously discussed the terms of PZB members, including whether or not these terms would be extended for an extra year. He requested an update on this issue. Attorney Spence stated it was his understanding that the City Clerk's Office has sent a communication to each City Commissioner, specifying that they should notify the City Clerk's Office of their wish to extend the terms of existing Board members which are set to expire in May 2024. A Resolution will then be brought forward to extend those terms as communicated by the Commissioners.

Chair Weymouth advised that he would not be present at the April 2024 meeting, and that Vice Chair Cohen will preside over the meeting in his absence. He proposed that the Board nominate another member to preside on a one-time-only basis in the event that Vice Chair Cohen may not be able to do so. Attorney Spence advised that there are no procedural rules that would apply to this situation: should the Chair and Vice Chair both be absent, the Board typically votes to select a temporary or acting Chair for that one meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:15 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

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Chair

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Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]