



**REQUEST:** Amend 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 NUMBER  | UDP-T24002  |       |
| APPLICANT  | City of Fort Lauderdale   |       |
| GENERAL LOCATION                                     | RS-3.52, RS-6.70, RS-6.85A, RS-6.85B, RD-12.22, RM-12.67, RM-16, RM-33.5 Zoning Districts |       |
| UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTIONS | Section 47-39, Development Regulations for Annexed Areas                                  |       |
| NOTIFICATION REQUIREMENTS                            | 10-day legal ad   |       |
| SECTION 166.033, FLORIDA STATUTES                    | N/A   |       |
| ACTION REQUIRED                                      | Recommend approval or denial to City Commission   |       |
| PROJECT PLANNER                                      | Karlanne Devonish, Principal Urban Planner  | KD CP |

### **BACKGROUND**

The proposed amendment was initiated based on a communication sent 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".

For some additional history, an application was submitted by a property owner in the Lauderdale Isles Civic Improvement Association requesting to make improvements to his property by adding a second story to an existing house located in the RS-6.85A zoning district, a formerly annexed area. The applicant and the City's Zoning Administrator did not agree on an interpretation of the height requirement and on October 12, 2022, the BOA reviewed an application to appeal the Zoning Administrator's interpretation that the maximum building height of two stories as provided in the City's Unified Land Development Regulations (ULDR) Section 47-39.A.6. is equivalent to 20 feet pursuant to the definition of "story" provided in ULDR Section 47-39.A.2.B. The applicant interpreted that the height of a story shall be every 10 feet, therefore 30 feet is needed to exceed the two-story limit. 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. For the purposes of determining the height of a building, a story shall be considered to be every ten (10) feet of building height above 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 each ten (10) feet in height of the structure above the established grade.

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 BOA meeting minutes are attached as **Exhibit 1**.

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

## **PROPOSED ULDR AMENDMENTS**

The intent of these revisions is to adopt code language that is consistent with how these measurements are applied in other similar residential areas throughout the City, and that the regulations are easy to understand 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 replaced the term duplex to 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 district. 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<br>40 feet for multifamily dwelling |

|                                    |         |  |
|------------------------------------|---------|--|
| Multiple-family dwelling district  | RM-16   | 35 feet for one-family dwelling/Duplex, Attached one-family dwelling<br>40 feet for multifamily dwelling |
| Multiple-family dwelling districts | RM-33.5 | 35 feet for one-family dwelling/Duplex, Attached one-family dwelling<br>55 feet for multifamily dwelling |

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 3**.

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

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

| Table A: Dimensional Requirements for RS-3.52, RS-6.70, RS-6.85A, RS-6.85B, RS-6.85B   |   |                   |                  |                  |
|--|---|-------------------|------------------|------------------|
| 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<br>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%   |                   |                  |                  |
| 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 which 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.

The proposed amendments are attached as **Exhibit 3**.

#### **PUBLIC OUTREACH EFFORTS**

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 from the Melrose Association members 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. The letters of support and the opposition letter from Melrose Park Neighborhood Association are attached as **Exhibit 4**.

Lastly, pursuant to the ULDR, a newspaper advertisement was published ten days prior to the PZB meeting, providing a general public notice of the proposed amendment. The comments provided were considered as part of the proposed amendments.

#### **PLANNING & ZONING BOARD REVIEW OPTIONS**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendment is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval or denial of the proposed amendment to the City Commission.

#### **EXHIBITS:**

1. October 12, 2022, BOA Minutes
2. November 01, 2022, City Commission Conference Meeting Minutes
3. Location Maps with Proposed Heights
4. Proposed Text Amendments
5. Letters of Support and Opposition



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES  
DEVELOPMENT SERVICES DEPARTMENT  
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311  
WEDNESDAY, FEBRUARY 21, 2024 – 6:00 P.M.**

| <b>Board Members</b>               | <b>Attendance</b> | <b>Present</b> | <b>Absent</b> |
|------------------------------------|-------------------|----------------|---------------|
| Michael Weymouth, Chair            | P                 | 7              | 0             |
| Brad Cohen, Vice Chair (arr. 6:23) | P                 | 5              | 2             |
| John Barranco                      | P                 | 5              | 2             |
| Mary Fertig                        | P                 | 6              | 1             |
| Steve Ganon (arr. 6:01)            | P                 | 6              | 1             |
| Marilyn Mammano                    | P                 | 6              | 1             |
| Shari McCartney                    | P                 | 7              | 0             |
| Patrick McTigue                    | P                 | 7              | 0             |
| Jay Shechtman                      | P                 | 6              | 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  
Nancy Garcia, Urban Design and Planning  
Yvonne Redding, Urban Design and Planning  
Adam Schnell, Urban Design and Planning  
Leslie Harmon, Recording Secretary, Prototype, Inc.

**Communication to City Commission**

None.

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

Chair Weymouth called the meeting to order at 6:00 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**

**Motion** made by Mr. Barranco, seconded by Mr. McTigue, to approve. In a voice vote, the **motion** passed unanimously.

It was noted a quorum was present at the meeting.

Mr. Ganon arrived at 6:01 p.m.

**7. CASE: UDP-T24002**

**REQUEST:** \* Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-39, Development Regulations for Annexed Areas, to Update Height, Measurement and Height Requirements

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** RS-3.52, RS-6.70, RS-6.85A, RS-6.85B, RD-12.22, RM-12.67, RM-16, RM-33.5 Zoning Districts

**CASE PLANNER:** Karlanne Devonish

Karlanne Devonish, representing Urban Design and Planning, advised that the request is for an amendment to the City's Unified Land Development Regulations (ULDR) Section 47-39. The amendment will update the height and measurements for residential zoning districts in the neighborhoods of Chula Vista Isles, Melrose Park, Lauderdale Isles, Riverland Manors, Riverland Village, and Riverland Woods. All of these locations are within annexed zoning districts within the ULDR.

Ms. Devonish explained that an applicant submitted a permit for the addition of a second story to an existing structure, but was informed that the maximum height in this zoning district is 20 ft. or two stories. The applicant and Zoning Administrator did not agree on the interpretation of what is called a story, and the applicant submitted an application to the Board of Adjustment to challenge the Zoning Administrator's interpretation. While the Board of Adjustment upheld the Zoning Administrator's interpretation, they also understood the applicant's position, and sent a communication to the City Commission to have Staff look into possible changes to how height is measured.

Ms. Devonish noted that for the purposes of determining the height of a building, the term "story" shall be considered 10 ft. Existing Code for residential zoning districts refers to two stories at this measurement, which would result in a maximum height of 20 ft. in those zoning districts. Staff proposes to change this measurement by eliminating the term "story" from Code in order to align residential zoning districts within the City.

This elimination would change the maximum height in residential zoning districts from 20 ft. to 35 ft., which would align the subject district with the City's other residential zoning districts. The RS-3.52, RS-6.85A, RS-6.85B, and RD-12.22 districts will now have a maximum height of 35 ft. The RS-6.70, which is the zoning district for Melrose Park, has opted to remain at 20 ft. in height and will not change.

The amended height requirement will apply to duplexes and town homes, which are considered to be single-family homes although they are attached.

The RM-12.67 and RM-16 zoning districts would increase from two stories, or 20 ft., to 35 ft. for single-family homes. For multi-family dwellings, Staff proposes a maximum height of 40 ft. Ms. Devonish noted that this is equivalent to the height limit in an RM-15 zoning district.

For RM-33 zoning districts, which are multi-family, Staff proposes increasing the height limit for single-family dwellings to 35 ft. For multi-family dwellings, the limit would be increased to 55 ft. This would be similar to the height limit for an RM-25 zoning district.

Staff also proposes the addition of dimensional tables. This would mean all tables reflecting dimensional standards would be condensed into a single table.

Mr. Barranco commented that it has been difficult to build in the subject areas due to inconsistencies in existing Code, and was in favor of cleaning up antiquated Code.

Ms. Mammano referred to a letter from the president of the Lauderdale Isles Civic Association, which refers to a resident making a presentation. Ms. Devonish explained that the City reached out to the Civic Association, which resulted in the letter of support. Ms. Mammano pointed out that the letter refers to unanimous support for limiting building height to two stories and less than 30 ft. Ms. Devonish advised that the change will be to 35 ft., stating that the original requested height had been for two stories at a limit of 30 ft. rather than 20 ft.

Ms. Mammano requested clarification of the Applicant in this case. Ms. Devonish replied that the City is the Applicant; however, because the City has heard from several residents about this change over the years, and because the Board of Adjustment sent a communication to the City Commission, Staff initiated the effort.

Ms. Mammano asked if the general public understood that the proposal was to raise the height limit for residential single-family homes from two stories/20 ft. to 35 ft. Ms. Devonish confirmed this.

At this time Chair Weymouth opened the public hearing, and two members of the public were sworn in at this time.

Eric Silva, private citizen, stated that he is a resident of Lauderdale Isles and submitted a building permit for a two-story home in 2022. He advised that the current height limits are confusing and are more restrictive in his neighborhood than in others. The proposed amendment would clearly define height limits and provide property owners with the same rights as other neighborhoods.

Daniel Solomon, private citizen, advised that he is also a resident of Lauderdale Isles. He did not take issue with any height adjustments that may occur as a result of the proposed amendment.

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.

~~Motion~~ made by Mr. Ganon, seconded by Vice Chair Cohen, to recommend approval of Case Number UDP T24002, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the ~~motion~~ passed unanimously (9-0).

~~V. COMMUNICATION TO THE CITY COMMISSION~~

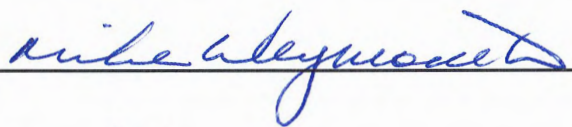
~~None.~~


~~VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

~~Chair Weymouth asked if future Board meetings will be moved to a more official location, noting that it can be time consuming to reach the current location. It was explained that the current location is due in part to the resources allocated to where meetings are held, but Staff can look into other possible options.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 7:30 p.m.

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

  
Chair

  
Prototype

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