

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, OCTOBER 17, 2012 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2012-May 2013</b>	
		<b>Present</b>	<b>Absent</b>
Patrick McTigue, Chair	P	4	1
Leo Hansen, Vice Chair	P	4	1
Brad Cohen	P	2	0
Stephanie Desir-Jean	P	4	1
Michael Ferber	A	4	1
James McCulla	P	4	1
Michelle Tuggle	P	5	0
Tom Welch	P	4	1
Peter Witschen	P	4	1

It was noted that a quorum was present at the meeting.

**Staff**

Ella Parker, Acting Urban Design and Planning Manager  
D'Wayne Spence, Assistant City Attorney  
Anthony Fajardo, Urban Design and Development  
Tom Lodge, Urban Design and Development  
Yvonne Redding, Urban Design and Development  
Mohammed Malik, Chief Zoning Examiner  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Witschen, seconded by Ms. Desir-Jean, to request that Staff develop a process that would not require Items such as 17R12A and 18R12A, both of which relate to sign approval, to come before the Planning and Zoning Board (and also streamline the review process for residential uses in the residential office districts, which currently require the Board's review). Staff has prepared revised code language that will streamline the review process for signage in the Regional Activity Centers and anticipates making additional code improvements in the near future to address the communication in full.

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**Case Number**      **Applicant**

1. 17R12A\*\* 1 E Broward Boulevard
2. 18R12A\*\* 200 E Broward Boulevard
3. 41R11\*\* Las Olas Property Management, LLC
4. 50R12\*\* Certain Properties, LLC
5. 12Z12\*\* \* Key Village Charter School
6. 1P12\*\* St. Jerome Catholic Church and School
7. 10P12\*\* Ninth Street Property, LLC / French Village
8. 11P12\*\* Ninth Street Property, LLC / French Village
9. 4T12\* Neighborhood Compatibility
10. 5T12\* Adult Gaming Centers
11. 11T12\* Photovoltaic Solar Systems
12. Communication to the City Commission
13. For the Good of the City

### 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.

Chair McTigue called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Acting Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.

It was noted that Items 1 and 2 were inadvertently mislabeled, and were not quasi-judicial Items.

**Motion** made by Mr. Welch, seconded by Ms. Tuggle, to approve the minutes of the September 19, 2012 meeting. In a voice vote, the **motion** passed unanimously.

Attorney Spence noted a correction to the July 18, 2012 minutes: p.3, Item 2 should state "Ms. Parker clarified that the 40 ft. easement noted by Mr. Lochrie would actually be a 27 ft. easement." He requested that the Board move to approve this correction to the previously adopted minutes.

**Motion** made by Vice Chair Hansen, seconded by Mr. McCulla, to approve. In a voice vote, the **motion** passed unanimously.

~~There being no further questions from the Board at this time, Chair McTigue opened the public hearing.~~

~~Charles King, private citizen, stated that this Item was recently discussed at a City Commission meeting as a use in rural areas, where it has attracted concern at the State level. He added that sweepstakes and gambling are defined as two separate terms by the State of Florida.~~

~~As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.~~

~~**Motion** made by Vice Chair Hansen, seconded by Mr. Witschen, to approve. In a roll call vote, the **motion** passed 6-2 (Mr. Cohen and Mr. McCulla dissenting).~~

11. **Photovoltaic Solar Systems**

Anthony Greg Fajardo

11T12

**Request: \***                      **Revision to Chapter 9 of the Code of Ordinances and Sections 47-19, 47-21 and 47-35 to allow the installation of Photovoltaic Solar Systems subject to specific permitting and zoning criteria**

General Location:              City Wide

District:                          All Commission Districts

Mr. Fajardo explained that this initiative is based upon a grant from the Department of Energy. It will establish standardized criteria by which photovoltaic solar systems may be installed in both residential and non-residential structures. Part of the initiative includes an interlocal agreement, which was entered into in September 2012, that establishes permitting for these systems.

The intent is to make photovoltaic systems comparable to other forms of energy by the end of the present decade. The grant proposes standard criteria so individuals may go through a web-based permitting process to install these systems. Broward County has developed a model ordinance to be adopted by Fort Lauderdale and other participating municipalities.

The proposed amendment would define rooftop photovoltaic systems, establish these systems as a permitted accessory structure in all zoning categories, and limit height to 5 ft. for flat roofs and no higher than the roof peak for pitched roofs. The amendment also includes permitting fees, maintenance, and landscape criteria.

Ms. Desir-Jean asked if consideration would be given to the appearance of the systems, perhaps on a case-by-case basis. Mr. Fajardo said there is no such consideration in Broward County's model ordinance, nor in the proposed ordinance presented today. He explained that he was not certain how this

requirement would affect the impact or permitting associated with the systems. Should the Board recommend this consideration to the City Commission, Staff would need to discuss it further with Broward County.

Vice Chair Hansen observed that the Code definition of a flat roof does not include parapets, which meant a 5 ft. height restriction might lessen the effectiveness of the system. He noted that should the proposed ordinance refer to another device, such as a water tank or air conditioning unit, the restriction would likely state that the device must not be visible from the sidewalk or another similar requirement. Mr. Fajardo said current Code would require the system to be at the same height elevation as mechanical equipment. Vice Chair Hansen asked if this meant the photovoltaic system would be restricted to 5 ft. Mr. Fajardo confirmed this, noting that this restriction could create a potential conflict.

Vice Chair Hansen asked if the proposed ordinance could include a reference likening the system to a mechanical feature. Mr. Fajardo advised that while the Board may make this recommendation, the intent was to have all participating municipalities use the same criteria, so applicants could submit a single application for a web-based permit. He added that solar technology is rapidly changing, which means it would be difficult to predict what these devices would look like in the future.

There being no further questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

**Motion** made by Vice Chair Hansen, seconded by Mr. Welch, to approve, with the added stipulation that [solar devices] could also be at a height that would be screened by [a] parapet. In a roll call vote, the **motion** passed 6-2 (Mr. Cohen and Mr. McCulla dissenting).

## **12. Communication to the City Commission**

**Motion** made by Mr. Witschen, seconded by Ms. Desir-Jean, as it relates to the first two cases, request to ask Staff to come back with a process that wouldn't bring those two [Items], 17R12A and 18R12A, to this Board, and there be some DRC or some other process.

Ms. Parker advised that Staff has communicated the Board's previous recommendations to move these items forward.

**13. For the Good of the City**

Attorney Spence clarified that when a rezoning is denied, such as in Item 5, the Application stops at the Board level. If the Applicant wishes the Item to proceed, he or she must appeal the Item.

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Chair

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Prototype

There being no further business to come before the Board at this time, the meeting was adjourned at 9:20 p.m.

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