



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 STATUES	N/A	
ACTION REQUIRED	Recommend approval or denial to City Commission	
PROJECT PLANNER	Karlanne Devonish, Principal Urban Planner	<i>KD</i> <i>CP</i>

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 (⅔) 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 40 feet for multifamily dwelling

Multiple-family dwelling district	RM-16	35 feet for one-family dwelling/Duplex, Attached one-family dwelling 40 feet for multifamily dwelling
Multiple-family dwelling districts	RM-33.5	35 feet for one-family dwelling/Duplex, Attached one-family dwelling 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.

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%			

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