

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
MONDAY, SEPTEMBER 18, 2017 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2017-May 2018</b>	
		<b>Present</b>	<b>Absent</b>
Leo Hansen, Chair	P	4	0
Catherine Maus, Vice Chair	P	3	1
John Barranco	P	4	0
Stephanie Desir-Jean (arr. 6:36)	P	2	2
Howard Elfman	P	4	0
Steven Glassman	P	3	1
Rochelle Golub	P	4	0
Richard Heidelberger	A	1	3
Alan Tinter	P	4	0

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

**Staff**

Anthony Fajardo, Director, Department of Sustainable Development  
Ella Parker, Urban Design and Planning Manager  
Gus Ceballos, Assistant City Attorney  
Karlanne Grant, Urban Design and Planning  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

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

Chair Hansen called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Director of Sustainable Development Anthony Fajardo introduced the Staff members present.

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

Mr. Tinter noted the following corrections to the August 16, 2017 minutes:

- P.21, paragraph 3: "4<sup>th</sup> Avenue" should be "2<sup>nd</sup> Avenue"

- P. 24, paragraph 5: Mr. Tinter requested that it be more fully clarified that the subject Amendment did not preclude other means of seeking a parking reduction

**Motion** made by Ms. Golub, seconded by Mr. Glassman, to approve [as amended]. In a voice vote, the **motion** passed unanimously.

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

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

At this time any individuals wishing to speak on Agenda Items were sworn in.

### IV. AGENDA ITEMS

#### Index

<u>Case Number</u>	<u>Applicant</u>
1. R17009**	Paul Vigil
2. T17006*	City of Fort Lauderdale
3. T17007*	City of Fort Lauderdale
4. T17010*	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.

<b>1. CASE:</b>	<b>R17009</b>
<b>REQUEST: **</b>	Site Plan Level III: Conditional Use for 6-Unit Residential Cluster Development
<b>APPLICANT:</b>	Paul Vigil
<b>PROJECT NAME:</b>	Sailboat Bend Residential Development
<b>GENERAL LOCATION:</b>	1017 SW 4th Street
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Waverly Place 2-19 D Lot 7,9 Block 107
<b>ZONING DISTRICT:</b>	Residential Multifamily Low Rise/Medium High Density (RML-25)
<b>CURRENT LAND USE:</b>	Medium-High Density
<b>COMMISSION DISTRICT:</b>	2
<b>CASE PLANNER:</b>	Karlanne Grant

Disclosures were made at this time.

Andrew Shein, representing the Applicant, recalled that this Application was first presented at the June 21, 2017 Board meeting, at which the Board raised issues with the proposed development. As the Applicant is still going over changes to the project's plans, and it may be necessary to take the project before the Historic Preservation Board (HPB) once more for approval as well, the Applicant requests deferral of this Item to the November Planning and Zoning Board meeting, assuming that all HPB issues have been addressed by then.

Ms. Desir-Jean arrived at 6:36 p.m.

**Motion** made by Vice Chair Maus, seconded by Mr. Elman, to defer to the November meeting. In a voice vote, the **motion** passed unanimously.

**2. CASE: T17006**

**REQUEST: \*** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR)

Amending Section 47-22, Sign Requirements.

Amending Section 47-22, Sign Requirements to address content neutrality; defining and adding criteria for outparcel signs; clarifying on premise signs; adding criteria to temporary builders signs; clarifying real estate signs; clarifying awning, canopy, roller or umbrella sign criteria; removing banner sign language and relocated said language to Section 25-23 of the Code of Ordinances; clarifying Point of Purchase Sign criteria; modifying criteria for Shopping Center or Strip Store Signs to permit signs to vary in size when located on a single free-standing sign; modifying criteria for RO, ROA, and ROC zoning districts for Temporary Builders Signs; adding language to permit Temporary Builders Signs in Commercial and General Aviation Districts; clarifying location and allowable display of Temporary Real Estate Signs and Associated Directional Signs; adding General Aviation Zoning Districts to Section 47-22.4; Removing the one (1) percent size limitation on Signage in the AIP zoning district; establishing criteria for temporary signs during municipal, state, or federal elections; removing credit card sign criteria; clarifying exempt sign criteria and removing language related to occupant signs, symbols or insignia, and government pennants.

**APPLICANT:** City of Fort Lauderdale

**PROJECT NAME:** Sign Code Changes to Remove Content -Based Sign Regulations

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:** Karlanne Grant

Mr. Fajardo explained that this Item would amend the City's Sign Ordinance. In June 2015, the United States Supreme Court ruled that sign regulations could not be based purely upon content. The City has worked with the City Attorney's Office to develop language that would address this issue so Fort Lauderdale is not in violation of this Supreme Court ruling. Signs may be regulated on the basis of color, location, size, font, and other specific criteria.

Staff has revised Section 47-22 to address content neutrality, as well as other issues related to the City's Sign Ordinance that have gone before the Board of Adjustment (BOA) on multiple occasions. He read the Amendment to the general section of the Sign Ordinance into the record:

"Signs have the potential to be traffic hazards that divert drivers' attention from the roadway and have a distracting effect that contributes to traffic accidents. *Metromedia v. City of San Diego* (453 US-490, 509 US-1981): 'the unregulated proliferation of signs can harm the aesthetics of the City, resulting in harm to the general welfare of the City.' The City of Fort Lauderdale has an interest in protecting the health, safety, and welfare of the public through ensuring traffic safety and protecting the beauty and aesthetic of the City. That interest is furthered by limiting the proliferation of signs. All signs in the City shall be limited to on-premise signs. No other kind of advertising sign of any type shall be permitted except as otherwise provided herein."

Mr. Fajardo continued that definitions have been added for the following terms:

- On-premise signage
- Out-parcel signage
- Temporary signage

The section addressing banner signs, which can be seen throughout the City prior to special events such as the Fort Lauderdale International Boat Show, has been relocated to Section 25-23 of the Code of Ordinances in order to remove it from the Zoning Ordinances portion of Code, as it applies to signage within rights-of-way for events co-sponsored by the City. No changes were made to this section, although it was reorganized for greater clarity.

One change to Code affects flat signs for shopping centers. At present, these signs cannot be placed higher than the first floor of a building for two-story tenants of shopping centers; however, because older buildings often include ledges, "eyebrows," or other shade structures, this language has been amended to allow signs on multistory buildings to be installed a maximum of 4 ft. above the first floor.

In General Aviation and Commercial zoning districts, tenants would now be allowed to use temporary builders' signs in the same manner as they are allowed in residential districts. These signs' dimensions will be limited to 4 ft. x 8 ft. and may abut no more than two streets.



With regard to real estate signs, the term "Open House" has been removed from the Sign Ordinance, as this was determined to be a content-driven term. Real estate signs may now be directional and are limited to two signs rather than one. They may be posted in swales for a 24-hour period.

General Aviation districts have been added to the maximum number of sign tables in Section 47-22.4. Also in Section 47-22.4.C, Special Regulation restrictions limiting flat signs in AIP zoning districts to a maximum of 1% of the façade of the building have been removed. This is in recognition of the very small size of some buildings within these zoning districts. Language from the GAA district regulations has been added so these signs will be approved upon Site Plan Level I review.

Mr. Fajardo explained that shopping centers are currently limited to a maximum of two signs, regardless of whether or not there are out-parcels within the site. This means if a large shopping center includes another building, it must go before the BOA to secure approval for separate signage for these out-parcels. The Amendment will allow out-parcel signs, subject to limitations, with one sign per street frontage for up to two street frontages, in addition to existing shopping center sign limitations. He advised that this is the only part of the Amendment that could be characterized as allowing an increase in the number of permitted signs.

Ms. Golub asked if there would be size requirements placed on the shopping centers, pointing out that this could otherwise lead to a proliferation of signs within a small shopping center. Mr. Fajardo replied that while no size requirements were determined, the Ordinance defines out-parcels and limits the number of signs they may have in addition to the shopping center signs. Tenants within a strip building are not allowed additional individual signs.

Mr. Fajardo referred the Board members to p.8 of Exhibit 1 of the Staff Report for this Item, which specifies that out-parcel signs are subject to the limitations of ground signs. They may be no more than 8 ft. above natural grade, only 5 ft. of which may be the sign itself.

Mr. Tinter asked if the Sign Ordinance addresses the brightness of electronic signs and the use of animation. Mr. Fajardo replied that the existing Ordinance includes strict limitations on these "message center" signs, including the use of lumens during both day and night.

Ms. Golub noted that the City's definition of a temporary sign includes any sign that may be displayed for 30 days prior to municipal, state, or federal elections. She asked if this made temporary signs, by definition, content-based signs. Mr. Fajardo responded that his understanding was that the definition referred to a time period within which signs may be posted.

Assistant City Attorney Gus Ceballos confirmed Mr. Fajardo's characterization of the Amendment, stating that while the definition refers to political signs, it makes this reference for the purpose of time as an indicator of when signage may be placed.

Ms. Golub commented that both temporary real estate and political signs, while related to timing, appeared to be content-based. She concluded that she did not feel the proposed Amendment was sufficient to bring the City into compliance with the Supreme Court's decision. Mr. Fajardo replied that his understanding of the Amendment's language was that any temporary sign would be allowed within the specific time period, whether or not its content is politically based. The definition of a temporary sign is "an on-premise sign that is intended or appears to be intended to be displayed for a limited period of time."

Ms. Desir-Jean stated that she was troubled by the 30-day limitation on temporary political signs, as this could give the appearance of an advantage to an incumbent candidate. Mr. Fajardo explained that if Fort Lauderdale makes certain allowances specifically for political signage, this would also be considered content-driven; therefore, the regulation limits the signs' time frame rather than the content. The reference to a 30-day time frame is already included in the Sign Ordinance under Subsection C.

Mr. Elfman asked if political signs may be placed in swales. Mr. Fajardo replied that they may only be placed on private property. Mr. Elfman also addressed real estate signs, noting that not all homes are located on major thoroughfares and two signs may not be sufficient to lead prospective buyers to an open house. Mr. Fajardo advised that the Realtors' Association expressed similar concerns, while the City Commission was concerned about sign proliferation. Another consideration is that if ordinances become too complicated, they are ultimately unenforceable.

Mr. Tinter noted that if a temporary sign is not campaign-related, Section C does not address them. Mr. Fajardo agreed, pointing out that the time frame is predicated on the time frame in which the elections occur. He added that it was difficult to come up with language that allowed for the placement of political signs while complying with the Supreme Court decision, as removal of the term "political" leaves only the location, time frame, and size of the sign as criteria.

Mr. Tinter asked if the description could refer to "event signs" that are allowed to be in place 30 days before an event and removed 30 days after the event. Ms. Golub added that the Amendment could be written more clearly to avoid a proliferation of signage or to make all signs equal while avoiding a specification of content-driven signage.

Chair Hansen also referred to the time limitation before elections, pointing out that this is not enforced for political signage. Mr. Tinter observed that this applies to temporary signs for other private events as well. Ms. Golub proposed allowing more time for a sign to be posted prior to an event and less time once the event has concluded. She also noted a possible error on p. 29 referring to municipal, City, and corporate limits.

Chair Hansen suggested that the Board may vote to allow the proposed Amendment to move forward to the City Commission with the Board's suggestions, or to recommend that Staff bring the Item back before the Board next month with changes.

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

Ron Lennon, President-elect of Greater Fort Lauderdale Realtors, addressed the issue of real estate signs, pointing out that open houses are cornerstones of property sales. If a home is not located off a main street, he did not believe two temporary directional signs would be sufficient to direct buyers to the property. He felt these guidelines should be more liberal.

Chair Hansen asked if the Greater Fort Lauderdale Realtors had any suggested improvements to the language. Mr. Lennon replied that they took no issue with the 24-hour time limit, but some properties might require three to four signs to direct buyers to the subject property. He recommended including "as many signs as needed for directional clarity."

Mr. Fajardo stated that he would discuss this further with the City Attorney's Office. Mr. Tinter cautioned against overloading major intersections with too many signs, particularly if a neighborhood has multiple homes for sale.

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

**Motion** made by Vice Chair Maus, seconded by Ms. Golub, to approve, directing [Staff] to consider the comments made at this hearing.

Mr. Barranco referred to p.13, which addresses point-of-purchase signs, stating that this is restricted to advertising the "primary purpose of the business." Mr. Fajardo replied that there have been conflicts with certain businesses who use this type of signage in the past, and advised that Staff will review this language, which is very old and has been part of Code for some time.

In a roll call vote, the **motion** passed 7-1 (Ms. Desir-Jean dissenting).

**3. CASE:**

**T17007**

**REQUEST: \***

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR).

Amending Section 47-35.1, Definitions and Section 47-5.10, List of permitted and conditional uses, RS-4.4 Residential Single Family/Low Density District and Section 47-5.11, List of permitted and conditional uses, RS-8 and RS-8A Residential Single Family/Low

Medium Density District and Section 47-5.12, List of permitted and conditional uses, RD-15 Residential Single Family/Duplex/Low Medium Density District and Section 47-5.13, List of Permitted and Conditional uses, RDs-15 Residential Single Family. Medium Density District and Section 47-5.14, List of Permitted and Conditional Uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District and Section 47-5.15, List of Permitted and Conditional Uses, RCs-15 Residential Single Family/Medium Density District and 47-5.16, List of Permitted and Conditional uses, RM-15 Residential Low Rise Multifamily/Medium Density District and Section 47-5.17, List of Permitted and Conditional uses, RMs-15 Residential Low Rise Multifamily/Medium Density District and Section 47-5.18, List of Permitted and Conditional Uses, RML-25 Residential Low Rise Multifamily/Medium High Density District and Section 47-5.19, List of Permitted and Conditional Uses, RMM-25 Residential Mid Rise Multifamily/Medium High Density District and Section 47-5.20, List of Permitted and Conditional Uses, RMH-25 Residential High Rise Multifamily/Medium High Density District and Section 47-5.21, List of Permitted and Conditional uses, RMH-60 Residential High Rise Multifamily/High Density District and Section 47-5.22, List of Permitted and Conditional uses, MHP Mobile Home Park District and Section 47-5.32, Table of Dimensional Requirements for the RD-15 and RDs-15 districts and Section 47-5.33, Table of Dimensional Requirements for the RC-15 and RCs-15 Districts and Section 47-5.34, Table of Dimensional Requirements for the RM-15 and RMs-15 districts and Section 47-5.35, Table of Dimensional Requirements for the RML-25 district and Section 47-5.36, Table of Dimensional Requirements for the RMM-25 district and Section 47-5.37, Table of Dimensional Requirements for the RMH-25 District and Section 47-5.38, Table of Dimensional Requirements for the RMH-60 district.

This amendment proposes to clarify the types of uses allowed in residential zoning districts by changing and adding definitions for various categories of residential uses.

<b>APPLICANT:</b>	City of Fort Lauderdale
<b>PROJECT NAME:</b>	Adding Definitions for Various Categories of Residential Uses in Residential Zoning Districts
<b>GENERAL LOCATION:</b>	City-Wide
<b>CASE PLANNER:</b>	Karlanne Grant

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Mr. Fajardo explained that this Item reconsiders the definition of "residential" in relation to City Ordinances. He recalled a 2010 Code Enforcement case which prevailed at the level of the Special Magistrate's Office but ultimately lost on appeal. This case was based strongly on the City's definition of residential uses. The 17<sup>th</sup> Judicial Circuit Court determined that this definition dealt with the design of structures rather than their use.

The City has revisited Code to revise and add definitions, which Mr. Fajardo read into the record at this time:

- Dwelling: a structural portion thereof that is used exclusively as a residence



- Dwelling unit: a space, area, or portion of a building designed for and to be occupied by one family as a residence, with cooking facilities for exclusive use of such family
- Mobile home or trailer: a vehicle or conveyance that is not self-propelled [or] permanently equipped to travel upon public highway that is used either temporarily or permanently as a dwelling unit
- Multi-family use: the residential use of a multi-family dwelling, consisting of apartments, condominiums, and coach homes
- Multi-family dwelling: a building containing multiple dwelling units and occupied or intended to be occupied by more than two families living separately and with separate kitchens or facilities for cooking on the premises. this term shall not include hotels, motels, or bedandbreakfast dwellings, townhouse, or cluster dwellings
- Residence: the use of a structure or portion thereof exclusively for human habitation for a period of more than 30 consecutive days
- Residential use: the use of land predominantly for a dwelling unit or dwelling units for a period of more than 30 consecutive days

Mr. Fajardo continued that the following additional definitions were also added for the purposes of clarification, as multiple types of dwelling units were listed under the standard:

- Single-family dwelling, cluster: a one-family dwelling unit attached to another one-family dwelling unit by a common vertical wall in which each unit is located on a separate plot (see Section 47-18.9, Cluster Development)
- Single-family dwelling, row house: a one-family dwelling unit which is attached to other one-family dwelling units in a row with interior units sharing two side walls, with end units sharing only one side wall (see Section 47-18.28, Row House)
- Single-family dwelling, stacked: a one-family dwelling unit in which dwelling units are stacked one above the other and which have a minimum floor area between 400 gross sq. ft. and 750 gross sq. ft. (see Section 47-18.39, Existing Dwelling Unit Structures)
- Single-family dwelling, town house: a one-family dwelling attached to another one-family dwelling unit by a common vertical wall in which each unit is located on a separate plot (see Section 47-18.33, Town House)
- Single-family dwelling, zero lot line: a detached single-family dwelling that has one side placed on one of the side lot lines in order to provide for more open space on the other side of the lot (see Section 47-18.38, Zero Lot Line Dwelling)

Mr. Fajardo advised that the remainder of the Amendment relates to the table of permitted uses in various zoning districts, as well as tables of dimensional requirements to clarify any language that may be in conflict after definitions are changed.

Ms. Golub asked if Code defines a family. Mr. Fajardo confirmed this, stating that "family" is defined as one or more persons living together in a single housekeeping unit

supplied with a kitchen or facilities for doing their cooking on the premises. Ms. Golub pointed out that the reference to 30 consecutive days' occupancy might be amended to refer to occupancy by the same family unit. Mr. Fajardo clarified that the 30-day threshold is based upon the State's requirements for transient occupancy.

Mr. Barranco asked if the proposed Amendment would prevent homeowners from renting their residential properties to vacationers. Mr. Fajardo replied that the City has been preempted from further regulation of vacation rental properties.

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

**Motion** made by Vice Chair Maus, seconded by Ms. Golub, to approve. In a roll call vote, the **motion** passed 8-0.

**4. CASE: T17010**

**REQUEST: \*** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR).

Amending Section 47-18.31, Social Service Facility (SSF) to Remove Redundancy and Conflicts with Adopted Language in Sections 15-181; 15-182; 15-183; 15-184; 15-185; and 15-186 of the Code of Ordinances that was adopted on August 22, 2017 by the City Commission and goes into effect thirty days thereafter. In addition, references to Outdoor Food Distribution Center will be removed from Sections 47-6.13, List of Permitted and Conditional Uses, Heavy Commercial/Light Industrial (B-3) District, 47-8.10, List Of Permitted and Conditional Uses, Community Facility (CF) District, 47-8.11, List Of Permitted And Conditional Uses, Community Facility-House Of Worship (CF-H) District, 47-8.12, List of Permitted and Conditional Uses, Community Facility-School (CF-S) District, 47-8.13, List of Permitted and Conditional Uses, Community Facility-House of Worship/School (CF-HS) District, and 47-13.10 List of Permitted and Conditional Uses, Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAE); South Regional Activity Center-South Andrews west (SRAC-SAW); Northwest Regional Activity Center-Mixed Use northeast (NWRAC-MUne), Northwest Regional Activity Center-Mixed Use east (NWRAC-MUe) & Northwest Regional Activity Center-Mixed Use west (NWRAC-MUw) collectively known as NWRAC-MU.

**APPLICANT:** City of Fort Lauderdale

**PROJECT NAME:** This amendment removes outdoor social service feeding events.

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:**

Karlanne Grant

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Mr. Fajardo stated that in 2014, the City Commission adopted an Ordinance intended to better define Social Service Facilities (SSFs) and their uses and incorporate a more substantive review process for them. In 2015, another Ordinance was adopted to expand the list of allowable zoning districts in which SSFs may be located. Due to issues raised during a recent court case, however, the City has relocated the SSF section from Volume 2 to Volume 1.

Mr. Fajardo referred the members to Exhibit 1, noting that the portions of SSF relocated to Volume 1 include outdoor food distribution centers.

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

**Motion** made by Ms. Golub, seconded by Vice Chair Maus, to approve. In a roll call vote, the **motion** passed 8-0.

**V. COMMUNICATION TO THE CITY COMMISSION**

None.

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

Mr. Barranco commented that because some cases heard by this and other City Boards can be contentious, he felt parking passes including the members' names could potentially be safety considerations. Ms. Parker stated she would discuss this issue with the Department of Transportation and Mobility.

Vice Chair Maus suggested that the Board consider whether or not the City should require developers to underground utilities on all Site Plan levels. Ms. Parker replied that this is requested of 90% of all Downtown projects and many other large projects; however, Staff has heard feedback that this can be cost-prohibitive for some smaller developments. She suggested that there may be potential consideration of adopting an in-lieu program through which developers who do not underground utilities to pay into a larger fund.

Mr. Fajardo added that undergrounding is part of the City's Master Plan, which is why most Downtown developments include underground utilities. He pointed out, however, that the high water table can make it difficult and expensive to protect cables in South Florida.

Ms. Parker continued that other considerations include underlying utilities already in certain areas, as well as existing trees and vegetation. She noted that in some cases, developers may be more willing to underground lines than Florida Power and Light (FPL) due to infrastructure access issues.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:44 p.m.

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

Chair

  
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Brigitte Chiappetta  
Prototype

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