




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

Case Number	UDP-T21008
Applicant	City of Fort Lauderdale
ULDR Section	Section 47-2.2, Measurements
Notification Requirements	10-day legal ad
Action Required	Recommend approval or denial to City Commission
Authorized By	Karlanne Grant, Planner III 

BACKGROUND:

At the November 5, 2020, City Commission Conference meeting, a communication from the Board of Adjustment (BOA) to the City Commission was requested to direct staff to process an amendment to Unified Land Development Code (ULDR), Section 47-2.2, Measurements regarding fence height and site visibility. The ULDR regulates the height of buildings and structures from grade whereas grade contains a more complex description of measurement. For example, habitable structures shall be measured based on the greater of the following:

- The natural elevation of the ground when compared to abutting properties. Natural elevation of the ground when compared to abutting properties, shall be derived by selecting a minimum of two (2) elevation points on each adjoining property line and calculating the average of all the selected elevation points. This calculation will determine the reference plane for calculating the height of habitable structures only;
- The base flood elevation requirement for the lowest floor as shown on the flood insurance rate map published by the Federal Emergency Management Agency (FEMA);
- Eighteen (18) inches above the FEMA base floor elevation requirement for the bottom of the lowest horizontal structural member (LHSM) of the lowest floor;
- Eighteen (18) inches above the State of Florida, Department of Environmental Protection or its successor agency, minimum requirement for the bottom of the LHSM of the lowest floor; or
- The Broward County one hundred-year flood elevation map.

When used to measure non-habitable structures, such as fences, the height is measured from the finished ground surface at the base of the accessory structure being measured. If a retaining wall elevates the non-habitable accessory structure, grade shall be the finished ground surface at the base of the retaining wall. These complex measurements have created numerous variance requests to the BOA and created confusion for residents.

Staff analyzed various definitions to determine the best solution for a clear, understandable and consistent application for measurement related to height. However, with habitable structures, the existing ULDR code language will remain given the City's compliance with other agency regulations such as FEMA. The proposed amendment is specific to non-habitable structures.

Staff presented the potential amendment at the April 20, 2021, City Commission Conference meeting which identified the recommendation that grade for fences and other non-habitable accessory structures be measured from the base FEMA flood elevation of the development site. This would align with the manner in which grade is measured for habitable structures. The City Commission supported staff's recommendation.

To review the proposed amendments, please refer to **Exhibit 1**.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendments align with the City's Comprehensive Plan Future Land Use Element, Goal 2, Objective FLU 2.1, Neighborhood Compatibility, which states to protect existing and future residential neighborhoods from impacts created by more adjacent uses.

PLANNING & ZONING BOARD REVIEW OPTIONS:

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

EXHIBITS:

1. Amendments to ULDR Section 47-2.2, Measurements

Sec. 47-2.2. - Measurements.

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G. *Grade.*

1. When used ~~to measure habitable structures~~, in determining a measurement, grade shall be the greater of:
 - a. The natural elevation of the ground when compared to abutting properties. Natural elevation of the ground when compared to abutting properties, shall be derived by selecting a minimum of two (2) elevation points on each adjoining property line and calculating the average of all the selected elevation points. This calculation will determine the reference plane for calculating the height of ~~habitable structures only~~;
 - b. The base flood elevation requirement for the lowest floor as shown on the flood insurance rate map published by the Federal Emergency Management Agency (FEMA);
 - c. Eighteen (18) inches above the FEMA base floor elevation requirement for the bottom of the lowest horizontal structural member (LHSM) of the lowest floor;
 - d. Eighteen (18) inches above the State of Florida, Department of Environmental Protection or its successor agency, minimum requirement for the bottom of the LHSM of the lowest floor.
 - e. The Broward County one hundred-year flood elevation map.

For purposes of the definition of grade, the term floor shall be defined as the top of the lowest inside surface of an enclosed area in a building, including the basement. For example, the top of the slab in a concrete slab construction or the top of wood flooring in wood frame construction. The term does not include an unfurnished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area.

- ~~2. When used to measure non-habitable accessory structures, grade shall be the finished ground surface at the base of the accessory structure being measured. If a retaining wall elevates the non-habitable accessory structure, grade shall be the finished ground surface at the base of the retaining wall.~~

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Sec. 47-14.30. - Minimum design standards.

A. *Fences and walls.*

1. Fences and walls located in the GAA and AIP districts and not otherwise required in accordance with the city's bufferyard regulations, shall be constructed of concrete, masonry or metal according to the requirements of Section 47-19.5, Fences, Walls and Hedges. In AIP metal fences shall be of the open-weave chain link type. In GAA and AIP, whenever an open-weave chain link fence is constructed there shall be an abutting hedge that will screen the fence from the street abutting the property.
2. Fences and walls shall not exceed ten feet in height.
3. Fences and walls shall not be located within the required setback on any street.
4. Barbed wire may be on brackets for the top one-quarter of a fence or wall within the maximum height allowed. Barbed wire fencing shall comply with the provisions of Section 47-19.5, Fences, Walls and Hedges.

5. A fence or landscaping barrier may be constructed in the required setback area from any street, provided that the height of any such fence shall not exceed three feet as measured in accordance with Section 47-2.2.G.2, Measurements.

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Sec. 47-19.2. - Accessory buildings, structures and equipment, general.

A. *Accessory dwellings.* Accessory dwellings (also known as "granny flats" or cottages) may be permitted only when accessory to a standard single family dwelling in RS-8, RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25 and RMH-60 zoning districts, and subject to the following limitations:

1. An accessory dwelling shall not be greater than six hundred (600) gross floor area in area or forty-nine percent (49%) of the gross floor area of the principal structure, whichever is less.
2. An accessory dwelling shall be limited to either a one (1) bedroom/one (1) bath unit, or an efficiency.
3. When an accessory dwelling is attached to another accessory structure, the accessory dwelling shall have a separate entrance than the attached accessory structure and shall be separated from the attached accessory structure by a common fire resistant wall.
4. There shall be no more than one (1) accessory dwelling per single family lot.

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W. *Planters.* Planters may be permitted within all zoning districts in the required front, rear and side yards to a height not exceeding six and one-half (6½) feet. The combined height of the planter and mature plantings shall not exceed ten (10) feet. Height shall be measured from grade in accordance with Section 47-2.2.G.2, subject to the following:

1. When abutting a street:
 - a. Planters, including the plantings, greater than two and one-half (2½) feet in height shall be required to maintain a minimum average three-foot setback;
 - b. The linear distance of any one (1) segment of the planter parallel to the property line and closer than three (3) feet from the property line cannot exceed thirty (30) percent of the length of the property line.
2. When abutting a waterway, planters exceeding two and one-half (2½) feet in height above grade shall be located no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R.

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