



**CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS**

100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301

CITY OF FORT LAUDERDALE

WEDNESDAY, AUGUST 18, 2021 – 6:00 P.M.

Board Members	June 2021-May 2022		
	Attendance	Present	Absent
Jacquelyn Scott, Chair	P	3	0
Brad Cohen, Vice Chair	P	2	1
John Barranco	A	2	1
Mary Fertig (via Zoom)	P	3	0
Steve Ganon	P	3	0
Shari McCartney	P	3	0
William Rotella	P	2	1
Jay Shechtman	P	2	1
Michael Weymouth	A	2	1

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

Staff

D'Wayne Spence, Assistant City Attorney
 Shari Wallen, Assistant City Attorney
 Jim Hetzel, Principal Planner
 Karlanne Grant, Urban Design and Planning
 Lorraine Tappen, Urban Design and Planning
 Tedra Allen, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Scott called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board members, and Principal Planner Jim Hetzel introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

III. PUBLIC SIGN-IN / SWEARING-IN

~~Staff recommends that the measurement of the base height of the fence and accessory structures reach a maximum height measured from the base Federal Emergency Management Agency (FEMA) flood elevation of the development site rather than the neighboring finished ground surface. Staff presented this amendment to the City Commission at its April 20, 2021 Conference Agenda meeting, where the Commission was supportive of the change.~~

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

~~**Motion** made by Vice Chair Cohen, seconded by Mr. Rotella, to approve. In a roll call vote, the **motion** passed unanimously.~~

3. CASE: UDP-T21009

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section and Section 47-19.5, Fences, Walls and Hedges, Height and Transparency Requirements

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: Citywide

CASE PLANNER: Karlanne Grant

Ms. Grant explained that in addition to addressing the height of accessory structures, the City Commission raised concerns for the height of fences in front yards as well. These included safety issues as well as aesthetic implications. Staff recommends lowering the height of fences located in the front yard setback, as well as providing minimum transparency. This change would not apply to the rear, side, or corner yards.

Some Commissioners also raised concerns regarding the desire to have fences reach the maximum height of 6 ft. 6 in. For this reason, Staff determined that if 80% of the lots lying within 300 ft. of the subject site have an average lot depth of 100 ft. or less, the maximum height of 6 ft. 6 in. would apply; if these criteria are not met, the maximum height would be 4 ft. 4 in. Ms. Grant noted that this is the same height that would be required if a property owner wished to construct a pool in their front yard.

Chair Scott noted that this would significantly affect the privacy afforded to homeowners from their front yards. Ms. Grant reiterated that if the subject property, as well as all other properties within 300 ft., has a lot depth of less than 100 ft., they may construct a fence to the height of 6 ft. 6 in. She further clarified that no hedge lying alongside the fence may be taller than 6 ft. 6 in. This is also not permitted by current Code. Properties that have existing hedges of this height would be considered legal but nonconforming.

Mr. Shechtman commented that the proposed amendment seemed to punish properties with larger lots. He referred to an attachment in the backup materials regarding

residential lot depth analysis, pointing out that a large number of lots are just over 100 ft. in depth. These owners would not be able to erect a 6 ft. 6 in. fence unless the majority of their neighbors have lots less than 100 ft. in depth. He requested clarification of the reason behind this proposed change. Ms. Grant replied that this direction was provided to Staff by the City Commission.

Mr. Shechtman expressed further concern with the proposal, asking if there is a significant problem of owners with deep lots erecting 6 ft. 6 in. fences. Ms. Grant reiterated that this issue arose during the Commission's discussion of fence height in general.

Vice Chair Cohen noted that the Board had just approved an amendment in favor of individual property rights, which would be limited if Item UDP-T21009 is passed. Mr. Shechtman stated that his understanding of the proposed amendment meant it did not matter what size lot an owner has: the fence height is dependent upon the size of the majority of lots within 300 ft. of the subject property. Ms. Grant advised that the intent of this requirement is to ensure visual connectivity along front yards.

Ms. Fertig asked if fence height is a significant problem City-wide. Ms. Grant advised that she did not know the percentage of front yard fence heights that are built to 6 ft. 6 in. Mr. Hetzel added that Staff can look further into this issue to determine the percentage. Chair Scott expressed concern that the proposed amendment could create a larger problem than the one it is intended to address.

Ms. Fertig stated that she would also like to know how many homeowners would be affected by the proposed amendment. She also felt it would be appropriate to notify these owners that the amendment is being considered. Chair Scott felt it would be better not to proceed with the proposed Code Amendment, and to let owners who need relief from current standards to appear before the Board of Adjustment.

Assistant City Attorney D'Wayne Spence stated that this issue was not a problem addressed by the Board of Adjustment: instead, it arose when a different Item was brought before the City Commission and the Mayor raised the issue of permitting 6 ft. 6 in. fences in front yards out of concern for transparency. At present, 6 ft. 6 in. fences are permitted in front yards. The amendment would remove this permission except in cases with specific lot sizes.

Chair Scott also noted that it is unlikely a large number of residents would want a 6 ft. 6 in. fence in front of their home. She asked if the restriction on height would also apply to a wall with a gate in the front of a property. Attorney Spence confirmed that this is the case.

Ms. Fertig suggested that the Board would need additional information on this Item before recommending a new rule. Ms. McCartney added that she would also like to better understand the intent behind the proposed amendment.

Mr. Shechtman asked how corner lots would be affected, including which side of the house would be considered the front. Ms. Grant replied that the homeowner in this case would be allowed to choose which side of the house is the front.

Chair Scott advised that the Board has three options:

- Approve the Item and send it on to the City Commission
- Defer the Item
- Deny the Item

Motion made by Vice Chair Cohen to deny it.

Vice Chair Cohen asserted that having additional information would not be helpful to him, as he did not believe the proposed amendment made sense. He added that requiring a lower fence in front of yards where owners might wish to put swimming pools was even less sensible to him. He concluded that the City should not be able to dictate the height of fences that homeowners may construct in front of their homes.

Mr. Rotella commented that there are a number of tall fences or hedges, as well as some gated driveways, in some neighborhoods which serve to beautify the area.

Mr. Rotella **seconded** the **motion**. Assistant City Attorney Shari Wallen clarified that the **motion** would recommend denial of the Item.

In a roll call vote, the **motion** passed 7-0.

4. ~~CASE: UDP T21002~~
~~REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements~~
~~APPLICANT: City of Fort Lauderdale~~
~~GENERAL LOCATION: Citywide~~
~~CASE PLANNER: Glen Hadwen | Public Works Sustainability Division~~

~~It was noted that Staff had requested deferral of this Item to the November 17, 2021 Board meeting.~~

~~Motion made by Mr. Shechtman, seconded by Ms. McCartney, to defer to November 17, 2021. In a voice vote, the motion passed unanimously.~~

~~V. COMMUNICATION TO THE CITY COMMISSION~~

~~None.~~

be opportunities to secure funding for solutions. Mr. Shechtman concluded that his goal was for the City to develop a plan that prioritizes these needed improvements.

Mr. Hetzel advised that Staff would like to schedule a special meeting of the Planning and Zoning Board to discuss the Police Department Headquarters. He provided the following potential dates:

- September 28, 29, or 30
- October 18 or 25
- October 26

He added that these dates will also be sent to the members via email. Chair Scott encouraged the Board members to respond to these dates as soon as possible.

Mr. Shechtman pointed out that the Board's last few meetings have been relatively short, and suggested that instead of scheduling an extra meeting, they add the Police Department discussion to a regular meeting date. Mr. Hetzel replied that Staff will look at the September and October meeting agendas to determine if this could be done. Chair Scott recommended that the Police Department discussion be scheduled as the first item on the agenda if this is added to a regular meeting date.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:47 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.]