



CITY OF FORT LAUDERDALE

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

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

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

~~The remaining amendments represent a new element for the City's Comprehensive Plan, which is a Property Rights element. The Florida Legislature approved the addition of this element during the 2020-2021 legislative session, and the Governor signed it into law. This new element states that the City will acknowledge private property rights in its decision-making. It restates much of the Bert J. Harris Private Property Rights Protection Act and goes further in fleshing out these aspects. This addition arises from a concern for mineral rights in other parts of the state.~~

~~Vice Chair Cohen addressed a section of the addition which refers to a list of historical sites, requesting clarification of whether the City will construct this list or if it will include individual property owners who wish to designate their properties as historical. Ms. Tappen replied that at present, the City has a map showing historically designated sites, including an archaeologically significant zone and the City's historic districts. The policy is not intended to extend further than what is currently on file with the City.~~

~~There being no further 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 pass. In a roll call vote, the **motion** passed 7-0.~~

2. CASE: UDP-T21008

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-2.2, Measurements, to Redefine the Term Grade **APPLICANT:** City of Fort Lauderdale
GENERAL LOCATION: Citywide
CASE PLANNER: Karlanne Grant

Karlanne Grant of Urban Design and Planning stated that this Item requests an amendment to the measurement section of Code. The basis for this amendment was a communication to the City Commission which was sent by the Board of Adjustment, requesting that Staff consider amendments to the City's Fence Code that could eliminate the need for some variances.

The communication was sent to the City Commission in November 2020, and the Commission asked Staff to move forward with the amendment process. The issue is the maximum height for accessory structures: if a retaining wall on the property elevates at 3 ft., the fence on the development site may only extend to 3 ft. 6 in. in total. This created the need for variance requests, as well as concerns regarding privacy and safety.

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~~

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

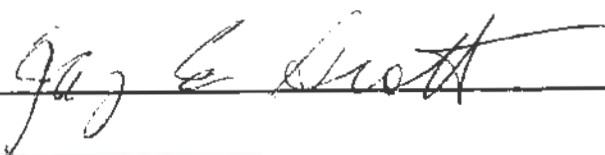
He added that these dates will also be sent to the members via email. Chair Scott encouraged the Board members to respond to these dates as soon as possible.

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.]