



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#21-1012

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: October 21, 2021

TITLE: Second Reading – Ordinance Amending the City of Fort Lauderdale Unified
Land Development Regulations (ULDR) Section 47-2.2, Measurements to
Redefine the Term Grade – Case No. UDP-T21008 - **(Commission
Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission consider an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-2.2, Measurements, to Redefine the term *Grade*.

Background

At the November 5, 2020, City Commission Conference meeting, the Commission discussed a communication from the Board of Adjustment (BOA) and directed staff to process an amendment to ULDR, Section 47-2.2, Measurements, regarding height of fences and site visibility. The ULDR regulates the height of buildings and structures from grade. The definition of grade is based on a complex description of measurement. Per Section 47-2.2, G. When used to measure habitable structures, 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; or

- e. 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 is the finished ground surface at the base of the retaining wall. These complex measurements have resulted in numerous variance requests to the BOA and created confusion for residents. The Communication from BOA is attached as Exhibit 1.

Staff analyzed the definition of grade to determine the best solution for a clear, understandable, and consistent application for measurement related to height. For habitable structures, the existing ULDR code language cannot be modified based on the City's compliance with other agency regulations such as FEMA. Therefore, the proposed amendment is specific to non-habitable structures.

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

On August 18, 2021, the Planning and Zoning Board (PZB), acting as the local planning agency, reviewed the application and recommend approval (by a vote of 7-0), finding it consistent with the applicable ULDR criteria. The August 18, 2021, PZB Staff Report, and meeting minutes are attached as Exhibit 2 and Exhibit 3, respectively.

After First Reading, Staff identified that the proposed language may allow unintentional interpretation and application of the proposed code provision, therefore staff proposes the following revision:

When used to measure non-habitable accessory structures, grade shall be the finished floor elevation of the principal structure. ~~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.~~

Staff would like the Commission to consider adopting the proposed revision on Second Reading.

To review the proposed amendments that were passed on First Reading on October 5, 2021, please refer to Exhibit 4.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Goal 4: Build a thriving and inclusive community of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We are Community.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservations of neighborhood, character and compatibility of uses.

Attachments

Exhibit 1 – October 14, 2021, BOA Communication to City Commission

Exhibit 2 – August 18, 2021, PZB Meeting Minutes

Exhibit 3 – August 18, 2021, PZB Meeting Minutes

Exhibit 4 – Proposed Ordinance

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