



**PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, MAY 20, 2026 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Patrick McTigue, Chair	P	12	0
Brian Donaldson, Vice Chair	P	11	1
Kevin Buckley	A	10	2
Hector DelaTorres	P	8	1
Whitney Dutton	P	9	3
Steve Ganon	P	11	1
Monty Lalwani	P	4	1
Jacquelyn Scott	P	10	2
Alexander Spence	P	9	0

Staff

D'Wayne Spence, Deputy City Attorney
Scott Stone, Assistant City Attorney
Jim Hetzel, Urban Design and Planning Manager
Karlanne Devonish, Principal Urban Planner
Yvonne Redding, Urban Planner III
Burt Ford, Chief Zoning Examiner
James Hollingsworth, Zoning Examiner
Mohammed Malik, Zoning Administrator
N. Day, Recording Clerk, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:12 p.m. and the Pledge of Allegiance was recited. Urban Design and Planning Manager Jim Hetzel introduced the City Staff members present, and Chair McTigue introduced the Board members.

II. DETERMINATION OF QUORUM / APPROVAL OF MINUTES

Motion made by Vice Chair Donaldson, seconded by Ms. Scott, to approve. In a voice vote, the **motion** passed unanimously.

IV. AGENDA ITEMS

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~~from the 1950s in terms of its prohibition and no documentation of the reason for the prohibition was found.~~

~~Attorney Spence further clarified that this issue is not site specific, but is instead zoning district specific. The proposed amendment suggests that the subject use not stand on its own, as it would in the B-3 zoning district, but to be an accessory use to retail.~~

~~**Motion** made by Ms. Scott, seconded by Vice Chair Donaldson, to recommend approval of Case Number UDP T26006, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the **motion** passed 8-0.~~

5. CASE: UDP-T26007

REQUEST: *Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-2.2, Measurements and Section 47-19.5, Fences, Walls and Hedges to Revise the Grade and Height Measurement for Fences and Walls

APPLICANT: City of Fort Lauderdale

COMMISSION DISTRICT: City-Wide

CASE PLANNER: Karlanne Devonish, AICP

Ms. Devonish explained that this Item proposes an amendment to ULDR Section 47-2.2, entitled "Measurements," and Section 47-19.5, entitled "Fences, Walls, and Hedges." It addresses the method for measuring the height of fences and walls from grade.

Vice Chair Donaldson recalled that the Board had previously seen a presentation addressing this issue, and asked if the Commission has provided further direction on the Item since that previous presentation or if the Item is a continuation of that presentation. Ms. Devonish replied that this Item addresses the same issue, but takes a different approach. Today's presentation was presented to the City Commission in November 2025 and the Commission provided direction on how to move forward.

Ms. Devonish provided background information on the Item, recalling that prior to the most recently finished Federal Emergency Management Agency (FEMA) flood compliance map, the addition of fill to raise the finished floor level in order to comply with base flood elevation was not required. Fences and walls were measured at the lowest adjacent grade, which was typically the lowest adjacent neighbor's grade. This resulted in minimal negative impacts to property owners. She reviewed an example of this previous process for the Board in the PowerPoint presentation.

In 2021, FEMA's finished floor regulations changed the base flood elevation, which allowed owners to place fill on an entire lot and raise it to the required grade. When an entire site is raised in this manner, once a fence is proposed using the lowest adjacent grade, the height of the fence on the property installing it only provided a few feet with little privacy, while the neighboring property exhibited the maximum fence height of 6.5 feet. This resulted in property owners requesting variances to increase the heights of their fences to 6 feet on their properties. Because a large number of applications were

submitted to the City's Board of Adjustment (BOA) to request this variance, the BOA sent a Communication to the City Commission recommending that the definition of grade be changed to address the problem.

In 2021, the definition of grade was changed based on direction provided by the City Commission. It was modified to refer to the finished floor elevation of the principal structure. While fill was still allowed, this created a different problem: now fences would be installed at an average height of 10 feet to 15 feet, depending upon the level of fill. This also resulted in neighboring properties left facing a very large wall, as the height of the fence on the raised property was often near the height of the eaves on the neighboring property.

The City now proposes that this Code requirement be based on the lowest adjacent grade. Ms. Devonish showed an example of this from the PowerPoint presentation, pointing out that limiting the fill from the foundation of the house to the property line would result in minimal impacts on nearby properties.

Vice Chair Donaldson commented that one positive effect of the prior policy based on fill was the requirement of a retaining wall on the raised lot, which would prevent water from running off onto other properties. He pointed out that there is now a concern in some neighborhoods that the required slope may be so dramatic that it would instead flood the subject property. This was a particular concern for properties that do not have large setbacks.

Ms. Devonish advised that the proposal on which the Board would be voting did not recommend an extreme slope such as a 45-degree angle. Vice Chair Donaldson pointed out that for a property with a 5 foot setback and a fence only 6 feet in height, this would result in a significant angle over the slope.

Chief Zoning Examiner Burt Ford stated that the diagrams provided as examples were not fully reflective of what would happen on a 5 foot setback; there would be a swale between the foundation of the house and the property line. Vice Chair Donaldson pointed out that in the past, if a very tall property was built next to an older and/or smaller home, the tall structure was required to provide a structure similar to a seawall between the two lots, with drainage provided on its own site so it did not create runoff onto the lower home. He noted that there are several properties under construction in his neighborhood which are significantly higher than properties adjacent to them; should the grade on the higher property fail to contain the water, this would be a significant problem for the smaller property.

Mr. Ford noted that another Code section addresses the amount of fill which can be placed in non-structural areas of a lot, which means that owner would not be required to raise their entire lot to the same height. The subject Code section is intended to reduce the amount of fill on the entire lot, requiring fill at the slab. If the owner wishes to raise the entire lot with fill, and if this request is approved by the City's Engineering Department, they will need to request a variance.

Zoning Administrator Mohammed Malik stated that there are several different variables related to fill. The specific change proposed by this Item would measure the fence from the neighboring property to a maximum height of 7 feet 6 inches. If the owner wishes to build a taller fence, they would have to go before the BOA to request a variance.

Mr. Malik further clarified that once the amendment is approved by the City Commission, permits would begin to be issued under the new amendment. Properties with older permits will continue to have the option of building a higher fence until the new amendment is adopted.

Mr. Ganon addressed drainage, asking if there will be a requirement for enhanced drainage techniques such as French drains on properties built on fill. Mr. Malik replied that all single-family homes are reviewed by the City's Engineering Department to ensure that water can be retained on-site. This may involve use of French drains, swales, or other methods as permitted.

At this time Chair McTigue opened the public hearing.

Scott Boruta, private citizen, stated that he is a developer of single-family homes in Fort Lauderdale. He expressed concern that the proposed amendment does not address flooding or stormwater, pointing out that the City's current position in the CRS rating system is not a good one.

Mr. Boruta continued that fencing is only part of the issue, and noted that homes built on raised lots will require steps down from their doorways, which can be difficult to build on lots with small setbacks. He concluded that while he felt the proposed amendment is a good step, it should go further, discussing fill and FEMA requirements and considering how to build architecturally pleasing houses without raising them up several steps.

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

The Board members discussed the proposal further, with Vice Chair Donaldson requesting clarification that the amendment does not address the requirement for fill, but only requirements for fences, establishing a maximum height of 7.5 feet from the grade level of an adjacent property. Ms. Devonish confirmed this.

Ms. Scott commented that there may be significantly more changes coming to Code based on the concerns discussed by the Board and the public, particularly in relation to water retention. Ms. Devonish recalled that Staff had previously proposed ways to address water retention, but were unable to find a way forward. She confirmed that the City will need to bring back other amendments in the future.

Attorney Spence stated that he would like the Board to entertain a potential amendment to Section 47-2.2.G.2 by adding the phrase "in the ULDR" following "unless otherwise specified."

Motion made by Mr. Dutton, seconded by Vice Chair Donaldson, to recommend approval of Case Number UDP-T26007 and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan, with a note to add "in the ULDR" to the end after "specified," so it would end "unless otherwise specified in the ULDR." In a roll call vote, the **motion** passed 8-0.

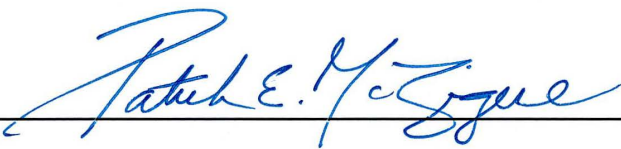
V. COMMUNICATION TO THE CITY COMMISSION

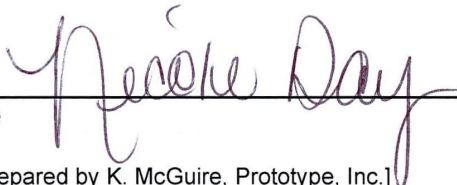
None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 7:10 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.]