



AGENDA ITEM #5:

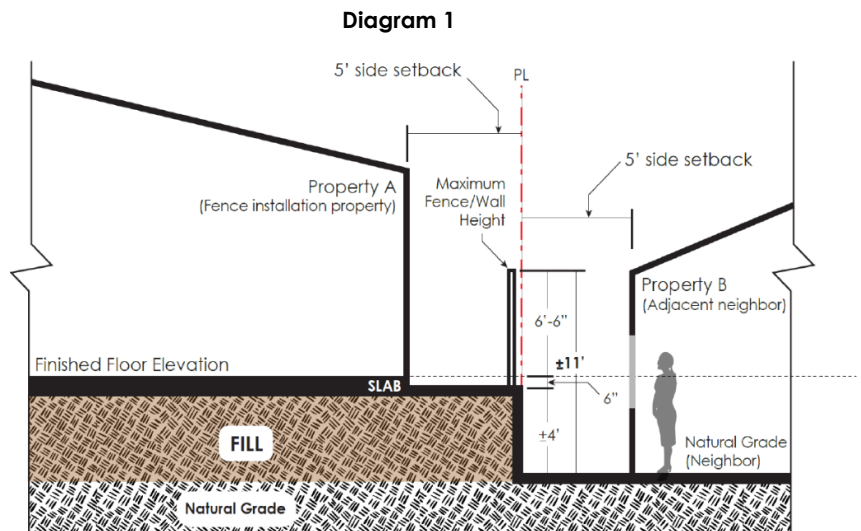
CASE NUMBER	UDP-T26007
APPLICANT	City of Fort Lauderdale
GENERAL LOCATION	City-Wide
REQUEST	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-2.2, Measurements and Section 47-19.5, Fences, Walls and Hedges to Revise the Method for the Measurement of the Height of Fences and Walls from Grade
ULDR SECTIONS	Section 47-2.2, Measurements Section 47-19.5, Fences, Walls and Hedges
NOTIFICATION REQUIREMENTS	10-day legal ad
ACTION REQUIRED	Recommend approval or denial to City Commission
PROJECT PLANNER	Karlanne Devonish, AICP, Principal Urban Planner <i>KD</i> <i>[Signature]</i>

BACKGROUND:

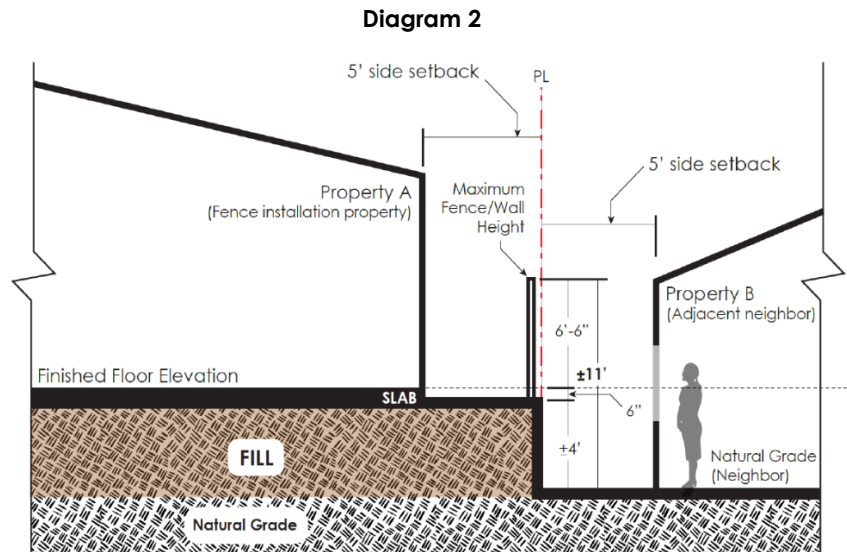
The proposed amendment aims to change how height is measured for fences and walls, offering greater design flexibility to address unique situations and a balanced approach to their installation.

The term grade was updated in 2021 following a communication from the Board of Adjustment (BOA) to the City Commission, which the City Commission discussed at the November 5, 2020, Conference meeting. Previously, fence and wall heights were measured from the finished ground level of adjacent properties, which resulted in minimal negative impacts on affected property owners. However, with the implementation of the 2021 FEMA's base flood elevation (BFE) requirements, which often resulted in homes being raised with nonstructural fill, measuring grade became more complicated. Based on the higher finished floor elevations fences were reaching a height of 10 feet, or more, impacting privacy for property owners and triggered an increase in variance requests. This prompts a revision of the grade definition.

Typically, wall and fence heights were restricted to six (6) feet above grade, but the new elevation standards meant these structures could extend well above previous limits from the perspective of the neighboring property owners, depending on the subject property's base flood elevation. These dimensional changes had a significant impact on both aesthetics and privacy for neighbors. See Diagram 1.



The 2021 amendment sought to simplify the height disparity by measuring the grade of accessory structures to the finished floor elevation of the subject site's principal structure. However, the current regulations have produced unintended consequences resulting in excessively tall fences/walls. For example, instead of a fence being six (6) feet, six (6) inches, some fences have been installed as high as fourteen (14) feet, based on the FEMA flood elevation of the site. See Diagram 2.

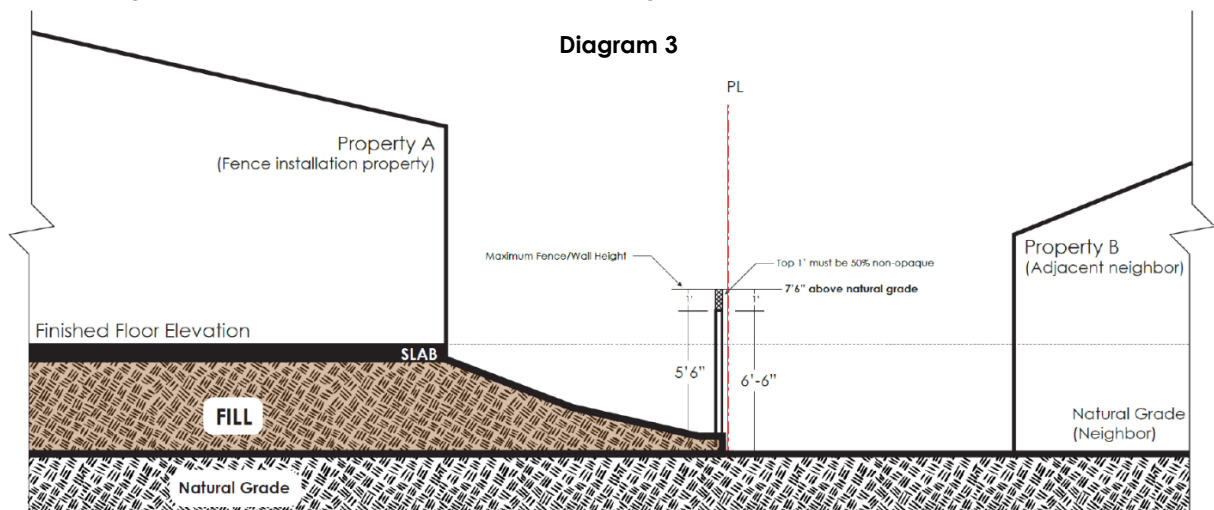


The proposed amendment is largely driven by the need to align with updated FEMA BFE standards and new city regulations concerning nonstructural fill. According to Section 14-13 of the Code of Ordinances, any new development is closely reviewed to make sure nonstructural fill does not unnaturally raise the site's elevation. In particular, the grade outside a foundation cannot be more than one (1) foot higher than the average current grade, or the average height of the back-of-sidewalk or crown-of-road, whichever is lower. This change in regulation establishes an important standard to stop the ongoing issue of excessive height related to fences and walls.

AMENDMENT SUMMARY:

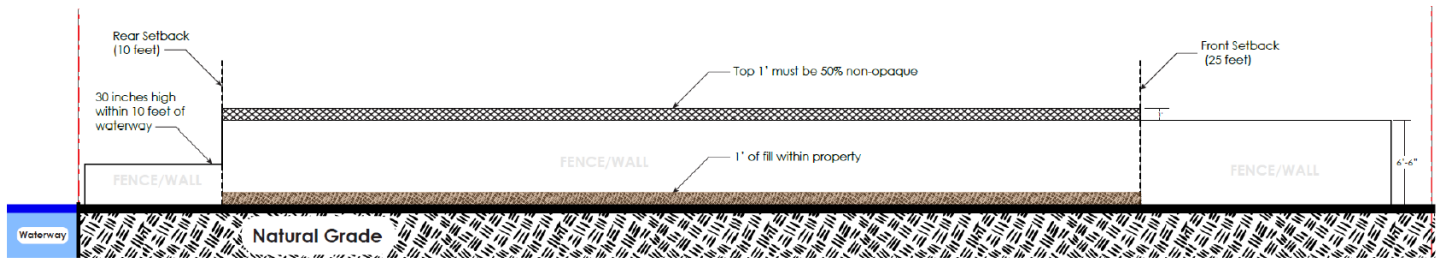
Below is a summary of the proposed amendment updates:

- Measurement standard: Height shall be measured from the lowest adjacent grade of either the subject property or the abutting property. See Diagram 3.
- Rear, side and corner yard: The height of fence and wall along rear, side, and corner yard shall be installed up to a maximum of seven (7) feet, six (6) inches where the uppermost one (1) foot of the fence/wall must maintain a minimum fifty percent (50%) transparency starting from the front 25-foot setback. See Diagram 3.



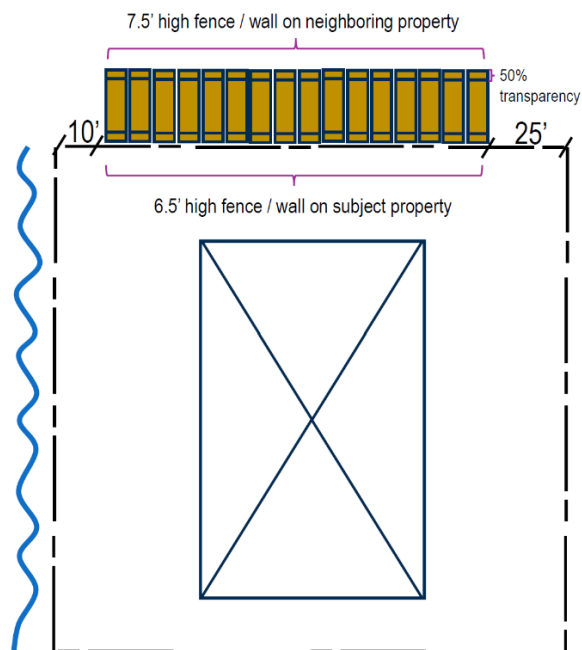
- Waterway Properties: For properties adjacent to a waterway, the proposed standard applies to the entire fence segment between the front and rear setback lines and is reduced to the standard height when located within ten (10) feet of the edge of waterway. See Diagram 4.

Diagram 4



- Front Yard (up to 25-foot setback line): For fences and walls that are installed within the twenty-five (25) foot setback line will be limited to six (6) feet, six (6) inches. See Diagram 5.

Diagram 5



The Proposed ULDR Text Amendments are attached as Exhibit 1.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendments are consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Urban Design Element, Goal 1, Objective UD 1.1, Policy FLU 1.1.2, Enhance the quality of development throughout the city over time through the review and application of design standards and guidelines. Update and implement design standards and guidelines to ensure the quality of development throughout the city is enhanced over time and is responsive to changing conditions; and Policy UD 1.1.3, Base design standards and land development regulations on area context, with distinct characteristics considered for different areas, i.e. regional activity centers, transit-oriented corridors, lower density neighborhoods, etc.

PUBLIC NOTICE REQUIREMENTS:

Pursuant to the ULDR, Section 47-27.5, a newspaper advertisement was published ten days prior to the Planning and Zoning Board meeting.

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, approval with conditions, or denial of the proposed amendment to the City Commission.

EXHIBITS:

1. Proposed ULDR Text Amendments