



Memorandum

Date: May 1, 2023

To: Presidents of: Chula Vista Isles Homeowners Association, Melrose Park, Riverland Village Association, and Lauderdale Isles Civic Improvement Association

From: Christopher Cooper, AICP, Director, Development Services Department

Re: Proposed City of Fort Lauderdale Unified Land Development Regulations (ULDR) Text Amendment – To update height requirement and measurement for residential zoning districts within annexed areas to be consistent with other residential zoning districts in the City.

This memorandum is to inform neighborhood associations within the City's annexed areas about a proposed text amendment to update the maximum height requirement and measurement for annexed area residential zoning districts to be consistent with other residential zoning districts in the City. We invite the community to provide comments or present questions as needed.

Background

The amendment is based on an application submitted by a property owner in the Lauderdale Isles Civic Improvement Association requesting to make improvements to his property by adding a second story to an existing house located in the RS-6.85A zoning district. The applicant and the City's Zoning Administrator did not agree on an interpretation of the height requirement and on October 12, 2022, the City's Board of Adjustment (BOA) reviewed an application to appeal the Zoning Administrator's interpretation that the maximum building height of two stories as provided in ULDR Section 47-39.A.6. is equivalent to 20 feet pursuant to the definition of "story" provided in ULDR Section 47-39.A.2.B. The applicant interpreted that the height of a story shall be every 10 feet therefore 30 feet is needed to exceed the two-story limit. The definition of story pursuant to Section 47-39.A.2.B is as follows:

Story: A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7½) feet. Any upper story which does not exceed two-thirds ($\frac{2}{3}$) of the area of the first-floor level shall not be considered a story except for determining the height of the building. For the purposes of determining the height of a building, a story shall be considered to be every ten (10) feet of building height above first floor level measured from the exterior elevation. For purposes of determining the height of a structure other than a building, a story shall be each ten (10) feet in height of the structure above the established grade.

The Board upheld the Zoning Administrator’s interpretation as reflecting current building construction techniques more accurately but sent a Communication to the City Commission to request the “City take a look at the height and zoning requirements in the annexed areas to more accurately reflect current building construction techniques.” The Board of Adjustment meeting minutes are attached.

The City Commission discussed the communication at the November 1, 2022, City Commission Conference meeting and directed staff to reach out to affected neighborhoods to get feedback regarding the proposed amendments.

Amendment Summary

Section 47-39.A.2.B

The proposed amendment will delete the term *story* and add the following terms and definition section to apply to the annexed areas, consistent with the rest of the City as well as the current Broward County code:

Accessory Building: An "accessory building" is a subordinate building which is located on the same development site as the principal building, the use of which building is clearly incidental to the use of the principal building.

Principal Building: A building that is occupied by, devoted to, a principal use on the development site and shall include any addition or alteration to an existing principal building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one (1) principal building on a parcel.

Principal Structure: A structure, the use of which is the primary use of the land. A principal structure may consist of a building or an unmanned or uninhabited structure such as a communication tower, utility substation, parking facility or other similar construction. There may be more than one (1) principal structure on a parcel.

Section 47-39.A.6

The proposed amendment will measure height using feet and not stories and apply the maximum height of 35 feet for the single family zoning districts of RS-3.52, 6.85A, RS-6.85B, and RS-6.7, consistent with comparable residential zoning districts throughout the City. See proposed amendments below:

...

- D. *Height.* No principal building or structure, or part thereof, shall be erected or altered to exceed the maximum height of ~~two (2) stories~~ the subject zoning district: scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at a maximum horizontal section, thirty (30) percent of the roof area, and flag poles, airplane beacons, ~~broadcasting~~

~~towers~~, antenna, chimneys, stacks, tanks and roof structures used for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than ~~five (5) feet~~ forty-two (42) inches above the allowable height of a building. (Inserted from Broward County Code 39-103 entitled "Exclusions from height limits").

<u>District</u>	<u>Maximum Height</u>
<u>RS-3.52</u>	<u>Thirty-five (35) feet</u>
<u>RS-6.70</u>	<u>Thirty-five (35) feet</u>
<u>RS-6.85A</u>	<u>Thirty-five (35) feet</u>
<u>RS-6.85B</u>	<u>Thirty-five (35) feet</u>
<u>RD-12.22</u>	<u>Thirty-five (35) feet</u>
<u>RM-12.67</u>	<u>Thirty-five (35) feet</u>
<u>RM-16</u>	<u>Forty (40) feet</u>
<u>RM- 33.5</u>	<u>Forty (40) feet</u>

<u>RM-12.67 to RM- 33.5</u>	<u>4 stories</u>
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Please advise if you would like to request a meeting to present this information or to have staff attend one of your meetings and present the information and obtain your association's feedback.

If you have any questions, feel free to contact Karlanne Devonish, Principal Urban Planner, at 954-828-6162 or via email at kdevonish@fortlauderdale.gov

Attachments

Attachment 1 – October 12, 2022, BOA Meeting Minutes