



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

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** March 5, 2013

**TITLE:** Ordinance – Amending Section 47-25.3.A.3.d, Bufferyard Requirements of the Unified Land Development Regulations (ULDR) to exempt parks, open space and conservation areas from the bufferyard and wall requirements of Section 47-25.3, Neighborhood Compatibility.

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**Recommendation**

It is recommended the City Commission adopt an ordinance on second reading amending Section 47-25.3.A.3.d, Bufferyard Requirements of the Unified Land Development Regulations (ULDR) to exempt parks, open space and conservation areas from the bufferyard and wall requirements of Section 47-25.3, Neighborhood Compatibility.

**Background**

As part of continuing efforts to improve and evolve the ULDR, staff has been looking at ways to amend the current language to reflect the City's desire to move forward in a progressive manner while not jeopardizing the health, safety and welfare of our neighbors. One issue that has been of concern in the past is the requirement for a bufferyard and wall surrounding park, open-space and conservation areas.

Due to a peculiarity of the definition of non-residential use of the City's ULDR requirements, parks (including open-space and conservation areas) are required to provide a ten-foot landscape area and a solid five-foot tall wall when located next to residential properties, which appears to be an unintended result of the desire to adequately buffer commercial uses (gas stations, strip malls, restaurants, etc.) from residential uses.

Staff believes that open space, parks and conservation areas should not be enclosed with solid walls and as vegetation tends to be an integral part of the design of these uses the standard requirement for the ten foot landscape area is not necessary. These requirements violate CPTED (Crime Prevention Through Environmental Design) principles by creating places for hiding as well as becoming impediments to the flow of breezes and an invitation for graffiti and garbage collection. Further, this requirement

amounts to a significant expense to the City for installation and continued maintenance.

As part of the analysis of this requirement, the Parks and Recreation Department reached out to neighboring municipalities and counties to determine if there were similar ordinances in other jurisdictions. It was found that the City of Fort Lauderdale is unique in its ordinance that requires a wall surrounding parks, open spaces and conservation areas.

To address this issue, staff is recommending to exempt parks, open-spaces, and conservation areas from the bufferyard requirement when contiguous to residential uses. However, the proposed exemption will not remove the requirements for these uses to meet the overall provision of Section 47-25.3, Neighborhood Compatibility. As such, this proposed revision will give the City a method for determining the best approach to address compatibility with neighboring uses with the option to not require a wall and the standard vegetation where other means to address compatibility are more appropriate.

On October 17, 2012, the Planning and Zoning Board (PZB) recommended approval of the draft amendments by a vote of 8-0. For more information, including a complete analysis of the current ordinance and proposed amendment, please see the PZB minutes attached as Exhibit 1 and the PZB staff report attached as Exhibit 2.

Proposed Ordinance Revision:

The draft ordinance language reads as follows:

*Bufferyard requirements. Excluding parks, open space and conservation areas, ~~When~~ when a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:*

Please see Exhibit 3 to view the draft ordinance.

On January 8, 2013 staff attended the Fort Lauderdale Council of Civic Associations to present and gain feedback on the proposed amendment. The Council has not provided consolidated feedback at the time of publication of this memo.

During past reviews and approvals of parks, open space and conservation areas where the wall was required, the general opinion of neighboring property owners was in support of removal of the wall.

Staff is proposing this amendment as a first step in addressing additional items regarding the current requirements for a bufferyard and wall when commercial uses are next to residential uses. In some situations this standard requirement can bring a commercial feel to a residential area and currently there are no alternatives to this

requirement. While a commercial use needs adequate buffering to neighboring residential use, suitable buffering may not require a wall and bufferyard in all situations. In the coming months, staff will develop a menu of options that will be presented to the City Commission for consideration.

**Resource Impact**

There is no fiscal impact associated with this action.

Attachments

Exhibit 1 – 10/17/12 PZB Minutes

Exhibit 2 – PZB Staff Report

Exhibit 3 – Proposed Ordinance

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Department Director: Greg Brewton, Sustainable Development