

ORDINANCE NO. C-21-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE AMENDING SECTION 47-19.5 ENTITLED "FENCES, WALLS AND HEDGES" OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS, TO AMEND THE DIMENSIONAL REQUIREMENTS FOR FENCES, WALLS AND HEDGES; PROVIDING FOR CONFLICTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Section 47-19.5 entitled "Fences, Walls and Hedges" of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR) to amend the dimensional requirements for fences, walls and hedges; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of August 18, 2021 (PZ Case No. UDP-T21009) reviewed the proposed text amendments for consistency with the City of Fort Lauderdale Comprehensive Plan and recommended that the City Commission deny the requested amendments to the ULDR; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, October 5, 2021, and Thursday, October 21, 2021, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, and ;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2. Section 47-19.5 – Fences, walls and hedges, of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-19.5 – Fences, walls, and hedges.

A. The purpose and intent for the regulations in this section is to promote safety, create buffers, ease the transition between public ways and private property, and promote aesthetics while allowing flexibility and variety in the design of a fence or wall.

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B. Dimensional Requirements. The setback for a fence, wall or hedge shall depend on the height and percentage of transparency as shown in Table 1.

TABLE 1

FENCES, WALLS AND HEDGES (Note D)	HEIGHT MAX. Measured from Grade According to Section 47- 2.2.G	PERCENT TRANSPARENT (Note B)	SETBACK (Note A & G)		
			STREET	SIDE	REAR
Residential Zoning Districts					
1a. FENCE/WALL	Up to 2'-6"	N/A	0'-0"	0'-0"	0'-0"
1b. FENCE/WALL	2'-6" 4'-4"	75—100% transparency	0'-0"	0'-0"	0'-0"
1c. FENCE/WALL	2'-6" 4'-4"	Below 75% transparency	Min. Average 3'-0" (Note C, E, & F)	0'-0"	0'-0"
1d. FENCE/WALL	4'-4" 6'-6"	N/A	Min. Average 3'-0" (Note C, E, & F)	0'-0"	0'-0"

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2. CHAIN LINK FENCE	Up to 6'-6"	N/A	Min. Average 3'-0" (Note C, E, & F)	0'-0"	0'-0"
Residential/Non-Residential Zoning Districts					
3. FENCE/WALL	Up to 10'-0"	N/A	Min. Average 3'-0" (Note C, E, & F)	0'-0"	0'-0"
4. CHAIN LINK FENCE	Up to 10'-0"	N/A	Min. Average 3'-0" (Note C, E, & F)	0'-0"	0'-0"
5. HEDGES	Up to 10'-0"	N/A	0'-0"	0'-0"	0'-0"
<u>FENCES, WALLS AND HEDGES (Note D)</u>	<u>HEIGHT MAX.</u> <u>Measured from Grade According to Section 47-2.2.G</u>	<u>SETBACK (Note A & G)</u>			
		<u>STREET</u>	<u>SIDE</u>	<u>REAR</u>	
Residential Zoning Districts					
<u>1a. FENCE/WALL</u>	<u>Up to 4'-4"</u>	<u>0'-0"</u>	<u>0'-0"</u>	<u>0'-0"</u>	

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<u>1b. FENCE/WALL</u>	<u>Above 4'-4"—6'-6"</u>	<u>Min. Average 3'-0"</u> <u>(Note C, E, & F)</u>	<u>0'-0"</u>	<u>0'-0"</u>
<u>2. CHAIN LINK FENCE</u>	<u>Up to 6'-6"</u>	<u>Not permitted</u>	<u>0'-0"</u>	<u>0'-0"</u>
<u>Non-Residential Zoning Districts and Residential abutting Non-Residential Zoning Districts</u>				
<u>3. FENCE/WALL</u>	<u>Up to 10'-0"</u>	<u>Min. Average 3'-0"</u> <u>(Note C, E, & F)</u>	<u>0'-0"</u>	<u>0'-0"</u>
<u>4. CHAIN LINK FENCE</u>	<u>Up to 10'-0"</u>	<u>Min. Average 3'-0"</u> <u>(Note C, E, & F)</u>	<u>0'-0"</u>	<u>0'-0"</u>
<u>5. HEDGES</u>	<u>Up to 10'-0"</u>	<u>0'-0"</u>	<u>0'-0"</u>	<u>0'-0"</u>
<u>Industrial Zoning District</u>				
<u>6. WALL</u>	<u>Up to 15'-0"</u>	<u>Min. Average 3'-0"</u> <u>(Note C, E, & F)</u>	<u>0'-0"</u>	<u>0'-0"</u>

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<u>Minimum Transparency for Residential Zoning Districts</u>				
	<u>HEIGHT MAX.</u>			
	<u>Measured from Grade According to Section 47-2.2.G</u>	<u>Street</u>	<u>Side</u>	<u>Rear</u>
	<u>Up to 4' 4"</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
	<u>Above 4' 4" – 6' 6"</u>	<u>50-100%</u>	<u>N/A</u>	<u>N/A</u>

Note A: Setbacks shall be measured from property lines, except when property abuts a waterway, the setback for the waterway shall be measured in accordance with Section 47-2 of the ULDR.

Note B: Transparency (openness) is calculated based on the fence or wall being viewed at ninety (90) degrees to the street property line. Percent is determined as follows: Total square feet of openings in fence being divided by the total fence area utilizing the top of the fence in all of its positions for varying heights.

Note C: Fences and walls extending into the required front yard setback up to and along the street frontage shall be limited to a maximum height of four-feet four-inches (4'-4"). When it is found that at least eighty percent (80%) of those lots lying within three hundred (300) feet of the subject site have an average lot depth of one hundred (100) feet or less, fences extending into the required front yard setback up to and along the street frontage shall be up to 6'6" and be subject to the regulations as shown in Table 1. The linear distance of any one (1) segment of the indicated accessory structure along a given property line abutting a street which is parallel to the property line and closer than three (3) feet zero (0) inches from the property line cannot exceed thirty (30) percent of the length of the property line.

Note D: Handrails or safeguards when required by federal or state codes shall be exempt from this section.

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Note E: Landscaping is required between the property line and accessory structure. See subsection C. below for specific landscape requirements.

Note F: To determine the average setback distance for fences, walls, and planters, multiply the total length of the fence, wall or planter, as viewed at ninety (90) degrees to the property line, by a factor of three (3), where three (3) represents the required minimum average setback. The resulting product must be equal to or greater than the total which results when adding the sum of each fence, wall, or planter segment multiplied by its setback from the property line. Walls, fences or planters constructed at an angle to the property line shall use the distance to the center of the structure to determine the actual setback of the segment.

Note G: Exceptions to setbacks:

1. *Residential districts:*

- a. In order to maintain sight visibility, the following shall apply:
 - i. For properties abutting a right-of-way, no opaque fence, hedge or wall shall be permitted to exceed two and one-half (2½) feet in height when located within a sight triangle.
 - ii. For properties abutting a waterway, no opaque fence, hedge or wall shall be permitted to exceed two and one-half (2½) feet in height as measured in accordance with Section 47-2.2.G, when located within ten (10) feet of the edge of the waterway.

2. *Nonresidential districts:*

- a. In order to maintain sight visibility, no opaque fence, hedge or a wall shall be permitted to exceed two and one-half (2½) feet in height when located within a sight triangle.
- b. Existing nonconforming fences and walls in nonresidential districts shall be brought into full compliance with the requirements of this Section 47-19.5 within five (5) years of the effective date of such ordinance adopting a provision of this section (Ordinance No. C-78-103 and Ordinance No. C-97-19).

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- c. Fences or walls abutting residentially zoned property which are required to be constructed by the ULDR, or when deemed necessary by the department to provide lateral support or protect adjoining property from dirt, dust, flying debris, noise, offensive odors or deleterious effects, shall be erected before or contemporaneously with the construction of the exterior walls of a building.
- d. For fences in the Downtown RAC, see Section 47-13.20.B.

C. *Landscaping Requirements:*

- 1. *Residential Districts:* Unless a fence is permitted to be located at the property line pursuant to Table 1, all walls and fences, including chain link, shall be required to be planted with hedges, shrubs, groundcover or a combination thereof, in the area between the property line abutting a street and the fence or wall. The plantings shall consist of varied species.
- 2. *Nonresidential Districts:* *In nonresidential districts, all fences and walls, including chain link fence, shall be required to be planted with hedges, shrubs, groundcover, trees, or a combination thereof. These plantings shall consist of varied species, and be located in the area between the property line abutting a street and the fence or wall. Trees may be standard, flowering or palms and shall be installed in accordance with Section 47-21.6, and planted an average of one (1) tree per twenty (20) lineal feet or portion thereof along such fence or wall. All fences and walls which do not provide this landscaping shall be brought into compliance no later than two (2) years of the effective date of the ULDR (June 28, 1997). Such perimeter landscaping shall not be required when a designated conservation area parcel is being fenced.*

D. Standards for walls.

- 1. Except when a new wall directly abuts an existing wall or fence preventing access, walls shall be finished on both sides, with materials satisfying industry standards, such as painted stucco, prefinished block, or other prefinished materials, and shall be compatible with proposed or existing buildings. Walls shall include finishing features, such as, but not limited to, changes in texture or color, variety of materials, capstones, decorative painting or bands of tile.
- 2. The top of a wall may contain architectural features and light fixtures, however such features shall not exceed eighteen (18) inches above the maximum height of a wall. The

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combined width of the features shall not exceed twenty percent (20%) of the total linear length of the wall.

3. Gates and entrance features shall be permitted as follows:
 - a. A wall may have a pedestrian entrance with a gate. Such an entranceway, including any archway, may be no greater than eleven (11) feet in height, no more than eight (8) feet in width, and no thicker than eighteen (18) inches in depth and may be contiguous with the wall. Gates must swing or slide in a manner which does not obstruct public ways.
 - b. All openings in a required wall shall have a gate of the same or greater opacity and the same height as the wall. The gate shall be kept closed, except when opening is necessary for ingress and egress.
4. If a wall is located within the required yard adjacent to a street, the side of the wall facing the street shall be subject to the following criteria:
 - a. Decorative treatments shall be required to continue around the corner of the wall for a dimension equal to the height of the feature.
 - b. The wall shall be designed with changes in material, color, texture, or profile to avoid the massive, linear aspect and monotony of otherwise plain walls. Walls shall not be in a continuous straight line without an offset, change of direction, or significant vertical feature to break up the length of the wall as required by Table 1 of this subsection.
5. All walls shall be maintained in good repair and in a secure manner. All defective structural and decorative elements shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the wall. All walls shall have all graffiti and loose material removed; any damaged portion of a wall shall be repaired or replaced in a manner consistent with these standards and any patching or resurfacing shall match the existing materials and shall be impervious to the elements, when possible.

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E. *Standards for Fences.*

1. Required fences shall not be constructed of chain link unless specifically permitted herein, and shall be a minimum height of five (5) feet above grade, as measured in accordance with Section 47-2.2.G.2.
2. All fences may include architectural features and light fixtures along the top of the fence and gate, however such features shall not exceed eighteen (18) inches above the maximum height of a fence. The combined width of the features shall not exceed twenty percent (20%) of the total linear length of the fence.
3. A fence may have a pedestrian entrance feature with a gate. Such an entranceway, including any archway, may be no greater than eleven (11) feet in height, no more than eight (8) feet in width, and no thicker than eighteen (18) inches in depth and may be contiguous with the fence. Gates must swing or slide in a manner which does not obstruct public ways.
4. All fences shall be finished on the side facing the neighboring property or right-of-way, except when a new fence directly abuts an existing wall or fence preventing access. When a fence is located in a manner where both sides are visible from a right-of-way, both sides of the fence shall be finished.
5. If a fence is located within the required yard adjacent to a street, it shall be designed to reduce the linear aspect and monotony of fences. Fences shall not be in a continuous straight line without an offset or change of direction to break up the length of the fence, as described in Table 1 of this subsection.
6. In RAC districts, see Section 47-13.~~20-B.5~~.
7. All fences shall be maintained in good repair and in a secure manner. All defective structural and decorative element shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the fence. All fences shall have all graffiti and loose material removed; any damaged portion of a fence shall be repaired or replaced in a manner consistent with these standards and any repairs shall match the existing materials and shall be impervious to the elements, when possible.

F. *Fences, walls, hedges and structures around swimming pools.* Portions of fences, walls and structures may be erected and hedges or landscaping installed, to the waterline of a

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swimming pool; provided, however, that no portion of any such item may exceed six (6) feet in length, measured along the perimeter of the pool. A clear path of a minimum width of twenty-four (24) inches shall be provided to separate one (1) portion of fence, wall or hedge from any other and a clear path of the same width shall also be provided through each portion, or around each portion, which path shall be located within fifteen (15) feet of the pool perimeter. All fences used as pool barriers shall comply with the minimum standards of the Florida Building Code. If the pool barrier requirements of the Florida Building Code are in conflict with this ordinance, the Florida Building Code shall prevail.

G. *Exception to requirement for bufferyard wall.*

1. Walls required in accordance with neighborhood compatibility, bufferyard requirements, as provided in Section 47-25.3.C.4 shall not be required for a nonresidential use when:
 - a. The abutting residential parcel has a wall which is a minimum of five (5) feet in height along the length of the shared property line and which is no greater than five (5) feet from the shared property line; and
 - b. There is no street, alley or waterway separating the nonresidential parcel from the residential parcel; and
 - c. There is a recorded agreement between the city and the nonresidential property owner(s) whereby the nonresidential property owner agrees to construct a wall in accordance with this section should the existing wall on the abutting residential parcel be removed or destroyed in such a manner so as to no longer comply with the minimum bufferyard requirements.
2. In a B-3 or I district, when a wall is required to screen outdoor storage of goods and materials, as described in Section 47-19.9, Outdoor Uses, an opaque fence of durable wood species may be used to screen such outdoor storage by special exception approval, in accordance with Section 47-24.12, if it is found that the nature of the storage will not have adverse effects on surrounding property or the public if the requested exception is granted. However, in no instance may a fence be used to replace a required wall along the property line abutting residential property.

H. *Barbed wire fencing* shall not be permitted, except as follows:

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1. Temporary barbed wire fencing may be permitted on a construction site where there is an active building permit, provided that said fencing does not obstruct any public easement or right-of-way.
 2. Barbed wire fencing may be permitted in the I, U, B-2, and B-3 zoning districts, at a height not exceeding ten (10) feet as measured in accordance with this Section, where outdoor storage of goods and materials is permitted as an accessory use, except where the nonresidential use is abutting residential property.
 3. Barbed wire fencing shall not be visible from any street.
- I. All property zoned in a PEDD or within the Port Everglades boundaries shall be exempted from the provisions of this section, except where it abuts property or streets outside the district.
- J. *Temporary fences.*
1. A temporary construction fence may be permitted in conjunction with construction on a site in accordance with requirements determined by the department. The height, setback, landscaping and other requirements for a fence may be waived by the department subject to safety concerns. Such fence shall not be placed on the development site prior to final site plan approval or prior to issuance of the first building permit, whichever occurs first; and must be removed within two (2) weeks after issuance of a certificate of occupancy (CO) or termination of site plan approval, whichever occurs first; and shall be removed if the building permit has expired and has not been issued within one hundred eighty (180) days of expiration.
 2. A fence may be permitted to be located parallel to the property lines of a vacant lot subject to the following:
 - a. The fence must be non-opaque; and
 - b. Is not required to meet the standards for fences provided in the ULDR while the property on which it is located is vacant, except as provided herein; and
 - c. Must meet site triangle requirements; and
 - d. Must have an opening at least ten (10) feet wide which may be gated.

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SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 4. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this _____ day of _____, 2021.

PASSED SECOND READING this _____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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