

ORDINANCE NO. C-26-35

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE I. – GENERAL REQUIREMENTS, MORE SPECIFICALLY SECTION 47-2.2. - MEASUREMENTS, AND ARTICLE III. – DEVELOPMENT REQUIREMENTS, MORE SPECIFICALLY SECTION 47-19.5. – FENCES, WALLS AND HEDGES; TO REVISE THE METHOD FOR THE MEASUREMENT OF THE HEIGHT OF FENCES AND WALLS, AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Article I. – “General Requirements”, Section 47-2.2. - “Measurements” and Article III. – Development Requirements, Section 47-19.5. – “Fences, Walls and Hedges” of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (“ULDR”) to revise the method for the measurement of the height of fences and walls from grade; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of May 20, 2026 (PZ Case UDP-T26007), found that the proposed text amendments for Sections 47-2.2., and 47-19.5. of the ULDR are consistent with the City's Comprehensive Plan and the Planning and Zoning Board recommended approval of said proposed text amendments to the City Commission; and

WHEREAS, the City Clerk notified the public of public meetings to be held before the City of Fort Lauderdale City Commission on Tuesday, August 18, 2026, at 6:00 P.M., or as soon thereafter as possible, and on Wednesday, September 2, 2026, at 6:00 P.M., or as soon thereafter as possible, at the Fort Lauderdale Police Department, Community Room #1004, located at 1300 West Broward Boulevard, Fort Lauderdale, Florida, for the purpose of hearing any public comment to said amendments to the ULDR;

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

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SECTION 1. That Section 47-2.2. – “Measurements” of the ULDR is hereby amended as follows:

Sec. 47-2.2. - Measurements.

- A. Customer service area. Customer service area is the area of an establishment available for food or beverage service or consumption, or both, calculated by measuring all areas covered by customer tables and bar surfaces and any floor area within five (5) feet of the edge of said tables and bar surfaces, measured in all directions where customer mobility is permitted. Customer service area shall include any outdoor or patio floor area used or designed for food or beverage service or consumption, or both, measured as specified above. Areas between tables or bars which overlap in measurement with another table shall only be counted once.

G. Grade.

1. When used in determining a measurement, grade shall be the greater of:
 - a. The natural elevation of the ground when compared to abutting properties. Natural elevation of the ground when compared to abutting properties, shall be derived by selecting a minimum of two (2) elevation points on each adjoining property line and calculating the average of all the selected elevation points. This calculation will determine the reference plane for calculating the height of structures;
 - b. The base flood elevation requirement for the lowest floor as shown on the flood insurance rate map published by the Federal Emergency Management Agency (FEMA);
 - c. Eighteen (18) inches above the FEMA base floor elevation requirement for the bottom of the lowest horizontal structural member (LHSM) of the lowest floor;
 - d. Eighteen (18) inches above the State of Florida, Department of Environmental Protection or its successor agency, minimum requirement for the bottom of the LHSM of the lowest floor.

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- e. The Broward County one hundred-year flood elevation map.

For purposes of the definition of grade, the term floor shall be defined as the top of the lowest inside surface of an enclosed area in a building, including the basement. For example, the top of the slab in a concrete slab construction or the top of wood flooring in wood frame construction. The term does not include an unfurnished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area.

- 2. When used to measure non-habitable accessory structures, grade shall be the finished floor elevation of the principal structure, unless otherwise specified in the ULDR.

- H. *Gross acre.* The unit of land area which comprises an acre, including that portion of land area within public ownership. Public land area shall include public rights-of-way and public waterways. Gross acre is used for the purpose of calculating the maximum density permitted on a parcel when applying flexibility units, as defined in Section 47-28, Flexibility Rules.

SECTION 2. That Section 47-19.5. – “Fences, walls and hedges” of the 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.
- B. Dimensional Requirements.
 - 1. The setback for a fence, wall or hedge shall depend on the height and percentage of transparency as shown in Table 1.
 - 2. The height for a fence or wall constructed along or parallel to a side property line or rear property line of a lot or plot and within the front yard setback or corner yard setback of said lot or plot, shall be measured from the lowest adjacent grade of either the subject property or the neighboring property and shall have a maximum height of six feet, six inches (6'-6"). Notwithstanding the requirements of Section 47-19.5.D.2 and Section 47-19.5.E.2, a one foot in height architectural feature having a minimum fifty (50) percent transparency may be added to any portion of a fence or wall located along or

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parallel to a side or rear property line and not within a front yard setback or corner yard setback if the combine height of the architectural feature and fence or wall does not exceed seven feet, six inches (7'-6") in height, however, the one (1) foot architectural feature shall not apply to any area of the fence as described in Note G herein.

3. The height for a fence or wall constructed along or parallel to a street shall be measured from the lowest adjacent grade of either the subject property or the immediately adjacent right-of-way.

TABLE 1

FENCES, WALLS AND HEDGES (Note D)	HEIGHT MAX.	PERCENT TRANSPARENT (Note B)	SETBACK (Note A & G)		
	Grade According to Section 47-2.2-G				
				STREET	SIDE
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"
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					

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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"

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: 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.

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:

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- 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 from the natural elevation of the ground when compared to abutting properties ~~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).
- 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.

3. New construction shall comply with Code of Ordinance Section 14-13(d) (1) a.

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

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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.

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 provided in Section 47-19.5.B.2. ~~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.

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 or her 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.

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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 immediately after final passage and adoption.

PASSED FIRST READING this 18th day of August, 2026.

PASSED SECOND READING this _____ day of _____, 2026.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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