

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE AIRPORT TRANSPORTATION DISTRICT; AMENDING SECTION 39-352 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”), REGARDING FENCING AND WALLS WITHIN BUFFERS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 39 of the Broward County Code of Ordinances regulates development in the Broward Municipal Services District and other unincorporated areas, including lands at Fort Lauderdale-Hollywood International Airport (“Airport”);

WHEREAS, Section 39-352 of the Broward County Code of Ordinances restricts the height of fences to eight (8) feet and prohibits the use of barbed and razor wire fences;

WHEREAS, for security reasons, the fences located at and around the Airport must be of a greater maximum height and include barbed wire or razor wire; and

WHEREAS, the Board of County Commissioners finds it to be in the best interest of the residents of Broward County to amend Section 39-352 of the Broward County Code of Ordinances to allow greater height for fences at the Airport, and to permit the installation of barbed wire or razor wire,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

22 Section 1. Section 39-352 of the Broward County Code of Ordinances is hereby
23 amended to read as follows:

24 **Sec. 39-352. General provisions.**

25 . . .

26 (h) *Setbacks and buffers between industrial and residential or commercial*
27 *districts.*

28 . . .

29 (6) Fences, walls, and hedges may be erected or planted and maintained
30 within a required buffer to a maximum height of eight (8) feet. Fences or
31 walls shall be translucent or opaque. Hedges used as a required visual
32 barrier shall be a minimum of four (4) feet in height at time of planting and
33 shall be of a species ~~which~~ that will reach at least the maximum height of
34 eight (8) feet within two (2) years after planting. Open-weave or chain-link
35 type fences may only be used within a required buffer if appropriate
36 landscape material, in accordance with Article VIII, is planted along such
37 fence ~~which~~ that, after planting, will obscure the fence and provide a
38 translucent barrier within one (1) year after planting. Within twenty-five
39 (25) feet of the intersection of two (2) streets, or within fifteen (15) feet of
40 the intersection of a private accessway and a street, only chain-link or
41 other such open fencing may be erected or maintained. The use of barbed
42 wire, razor wire, or electrified fencing contiguous to commercial business
43 zoning districts or ~~residentially-zoned~~ residentially zoned plots shall be
44 prohibited. Notwithstanding the foregoing, barbed wire and razor wire shall

45 be allowed within the Airport Operations Areas, as defined in Section 2-2(f)
46 of the Broward County Code of Ordinances, or other Fort
47 Lauderdale-Hollywood International Airport ("Airport") facilities, including,
48 but not limited to, passenger terminals, parking structures and associated
49 revenue facilities, aircraft gates, runways, taxiways, and any accessory
50 use Airport support facility and/or development (individually and
51 collectively referred to as "Airport Property"). Fences, walls, and gates
52 erected within the Airport Operation Areas and Airport Property shall be
53 up to a maximum height of fourteen (14) feet, including any barbed wire or
54 razor wire.

55 . . .

56 Section 2. Severability.

57 If any portion of this Ordinance is determined by any court to be invalid, the invalid
58 portion will be stricken, and such striking will not affect the validity of the remainder of this
59 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
60 legally applied to any individual, group, entity, property, or circumstance, such
61 determination will not affect the applicability of this Ordinance to any other individual,
62 group, entity, property, or circumstance.

63 Section 3. Inclusion in the Broward County Code of Ordinances.

64 It is the intention of the Board of County Commissioners that the provisions of this
65 Ordinance become part of the Broward County Code of Ordinances as of the effective
66 date. The sections of this Ordinance may be renumbered or relettered and the word

67 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
68 phrase to the extent necessary in order to accomplish such intention.

69 Section 4. Effective Date.

70 This Ordinance is effective as of the date provided by law.

ENACTED

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FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ (in italics) 00/00/2023
Yesenia Alfonso (date)
Assistant County Attorney

By: /s/ (in italics) 00/00/2023
Maite Azcoitia (date)
Deputy County Attorney

YA/ch
Section 39-352 Fences Ordinance
06/14/2023
80071.0130

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.