



City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Applicant:	City of Hallandale Beach	Meeting Date:	January 24, 2024
General Title:	Fence Height Amendment	Application No.:	LDC-23-08157
Primary Application Type:	Zoning and Land Development Code Amendment	Additional Applications:	Not Applicable
Quasi-Judicial:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Advertisement Type Required:	<input checked="" type="checkbox"/> Display <input type="checkbox"/> Regular <input type="checkbox"/> Not Applicable
Public Hearing:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Workshop:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Request:	Code amendment to the Zoning and Land Development Regulations to amend the permitted height for fences/walls and hedges/bushes and to prohibit chainlink fences from the front and street side yards.		
Business Impact Estimate:	Exempt as per Florida Statute 166.041(4)(c)		
Staff Recommendation:	Sponsor Name:		
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input type="checkbox"/> Deny	Vanessa J. Leroy, Department of Sustainable Development Director		
	Prepared By:		
	Deandrea Moise, AICP, Principal Planner		

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE IV OF THE ZONING AND LAND DEVELOPMENT CODE, DIVISION 6 FENCES, WALLS, STRUCTURES AND PLANTINGS, SEC. 32-335. GENERAL REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Summary

The Department of Sustainable Development is proposing a code amendment to the Zoning and Land Development Code to increase the permitted height for fences and walls in the side and

rear yards, remove the height limitation on hedges and bushes, and prohibit chainlink fences within the front and street-facing side yards.

Staff recommends the Planning and Zoning Board forward a recommendation of approval to the City Commission.

Current Situation

Section 32-335 of the Zoning and Land Development Code regulations provides the general requirements for fences, walls, hedges, and bushes, including the maximum permitted height. Currently, the regulations restrict the maximum height of a fence or wall in the side and rear yards to six feet, and hedges or bushes to six inches above the permitted height of the fence or wall. Following recent concerns as it relates to the safety of properties, the code amendment proposes to increase the permitted height for fences or walls in the rear and side yards from six feet to eight feet. For properties that are on a corner and as such have a street-facing side yard, the fence height will be limited to six feet, and may be increased one foot in height for every foot the fence is setback, not to exceed eight feet in height. Lastly, the height restriction for hedges and bushes will be removed. Fences, walls, hedges, and bushes will remain subject to Section 32-332 (c) of the Zoning and Land Development Code, which states that no fence, planting, or other structure may be erected, constructed, installed, or maintained within a triangular area created within a distance of 25 feet along the front and side lot lines from the point of street right-of-way intersection of a corner lot. Additionally, the regulations will prohibit chainlink fences within the front and street-facing side yards. Temporary construction fences would be exempt from this to ensure the safety of pedestrians and adjacent properties from construction activities and potential debris.

The proposed code amendment is consistent with the Comprehensive Plan and will assist in furthering the following policies and objectives, based upon the following:

POLICY 1.1.2: The City of Hallandale Beach will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

POLICY 1.1.3: The City of Hallandale Beach will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

GOAL 4-1: Quality Residential Environment. To assure the availability of a safe, sound and attractive residential environment for all residents of Hallandale Beach.

Analysis

The attached proposed ordinance (Exhibit 1) amends Section 32-335 to the Zoning and Land Development Code summarized below:

1. Increases the permitted height for fences or walls in the rear and side yards from six feet to eight feet.
2. Removes height restrictions for hedges and bushes.

3. Prohibits chainlink fences within the front and street facing side yards.
4. Maintains that no fence, planting or other structure may be erected, constructed, installed or maintained within a triangular area created within a distance of 25 feet along the front and side lot lines from the point of street right-of-way intersection of a corner lot.

Why Action is Necessary

Pursuant to Section 2-102 of the City of Hallandale Beach Land Development Regulations, the Planning and Zoning Board shall review and make advisory recommendations to the City Commission on applications for text changes to the Zoning and Land Development Code.

Cost Benefits

The proposed code amendment seeks to increase property security consistent with the City's Comprehensive Plan and seeks to improve the overall quality of life for citizens within the City of Hallandale Beach.

Business Impact Estimate

As per 166.041(4)(c), this item is exempt from providing a business impact estimate as it is an ordinance enacted to implement Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

Staff Recommendation:

Staff recommends the Planning and Zoning Board forward a recommendation of approval to the City Commission.

Attachment(s):

Exhibit 1- Proposed Draft Ordinance

REVIEWED BY: Christy Dominguez
Planning and Zoning Manager