

1 EXHIBIT 1

2 ORDINANCE NO. 2024 -

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

11 WHEREAS, the Department of Sustainable Development recommends a code
12 amendment to the Zoning and Land Development Code to relating to the height of
13 residential fences; and

14 WHEREAS, following recent concerns about the safety of properties, the proposed
15 Code amendments include 1) increasing the permitted height for fences or walls in rear and
16 side yards from six feet to eight feet, 2) for corner properties with a street-facing side yard,
17 limiting the fence height to six feet, but allowing an increase of one foot in height for every
18 foot the fence is setback, not to exceed eight feet in height, 3) for certain multifamily
19 developments, allowing an increase to six feet in height in the front yard, 4) removing the
20 height restriction for hedges and bushes (unless within 25 feet along the front and side lot
21 lines from the point of street right-of-way intersection of a corner lot), and 5) prohibiting
22 chain link fences within front and street-facing side yards (exempting temporary
23 construction fences to ensure the safety of pedestrians and adjacent properties from
24 construction activities and potential debris); and

25 WHEREAS, the proposed zoning amendments are consistent with the
26 Comprehensive Plan; and

58 (5) All fences shall be finished on the side facing the neighboring property or right-of-
59 way, except when a new fence directly abuts an existing wall or fence preventing
60 access. When a fence is located in a manner where both sides are visible from a
61 right-of-way, both sides of the fence shall be finished. A two-foot landscaping buffer
62 is required between the wall and the right-of-way.

63 (6) Chain-link fences are prohibited within front and street facing side street yards, except
64 as permitted in Section 32-335 (c) (3).

65 (b) *Maintenance.* All fences, walls and plantings shall be maintained in a safe,
66 nonhazardous condition and good appearance. Walls and fences, unless of natural
67 materials or galvanized, shall be properly painted.

68 (c) *Height.*

69 (1) *Residential districts.*

70 a. Fences and Walls. In residential districts, the following maximum height limitations
71 shall apply for the installation, construction, or maintenance of a fence or wall,
72 except as prohibited per Section 32-332. ~~may be installed, constructed, or~~
73 ~~maintained six and one-half feet in height within the required side and rear yards or~~
74 ~~over four feet in height in the required front yard,~~ except that, in townhouse or multi-
75 family developments with six units or more and in single-family communities with six
76 homes or more controlled by a developer or a properly constituted homeowner's
77 association, a maximum height of six and one-half feet shall be permitted within the
78 required front yard. Hedges may be six inches higher. Where residentially zoned
79 property has lot lines abutting or separated by a public right-of-way from commercial
80 or industrial property, walls, hedges or shrubbery may be permitted along those side
81 or rear lot lines to a maximum height of eight feet, or five feet in height along the
82 front lot line, subject to the limitations of section 32-332.

83 1. Front Yard: Four feet, except that townhouse or multi-family developments
84 with six units or more and in single-family communities with six homes or
85 more controlled by a developer or a properly constituted homeowner's
86 association, a maximum height of six feet shall be permitted within the
87 required front yard.

88 2. Interior and Rear Yard: Eight feet.

89 3. Side Street Yard: Six feet, and an additional foot of height may be permitted
90 for each foot the fence or wall is setback from the street side property line,
91 not to exceed a maximum height of eight feet. The setback area shall be
92 landscaped.

93 4. No fence or wall more than four feet in height shall be permitted to extend
94 beyond the building line of the primary façade. For townhouse or multi-family
95 developments with six units or more and in single-family communities with
96 six homes or more controlled by a developer or a properly constituted
97 homeowner's association, a maximum height of six feet shall be permitted.

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99 b. Hedges and Bushes. In residential districts, the following shall apply for the planting
100 and installation of hedges and bushes except as prohibited per Section 32-332.

101 1. Front yard: Hedges and bushes may be six inches higher than the permitted
102 height of the front yard fence.

103 2. All other yards: There shall be no height limitation.

104 (2) *Nonresidential districts.* In nonresidential districts, no fence, wall or hedge may be
105 installed, constructed or maintained over eight feet in height, except as permitted in
106 section 32-332(d).

107 (3) *Properties significantly impacted by crime.* Notwithstanding the provisions of
108 subsections (c)(1) and (c)(2) of this section, the city manager may authorize the
109 erection of a chainlink security fence ~~not exceeding six feet in height~~. A barbed wire
110 or concertina barbed wire extension not exceeding one foot in height for properties
111 significantly impacted by crime may be added. In determining whether a property is
112 significantly impacted by crime, the city manager shall consider recent police
113 statistics on arrests for crimes which have occurred in the vicinity and shall consider
114 the number and frequency of arrests, the types of crimes committed, the location of
115 such arrests with aspects to the property on which it is proposed to construct a
116 security fence, how recently such events have occurred, whether the proposed
117 security fence will have a significant detrimental effect on property values, the
118 environment, or other properties in the neighborhood and whether adequate
119 setbacks, buffering and general amenities are provided to control adverse effects of
120 the proposed security fence. An administrative review fee, which is on file in the city
121 clerk's office and shall be in addition to any required fence permit fee, shall be
122 charged for reviews of applications under this division. If the city manager denies
123 the application, the applicant may appeal the decision of the city manager to the city
124 commission by filing a written request for hearing within 15 days of the decision with
125 the city clerk. Upon hearing, the city commission may affirm, modify or reverse the
126 decision of the city manager.

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128 **SECTION 2. Providing for Conflict.** All ordinances or parts of ordinances
129 and all resolutions or parts of resolutions in conflict herewith are hereby repealed, to the
130 extent of the conflict.

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132 **SECTION 3. Providing for Severability.** If this ordinance or any part
133 thereof is declared by a court of competent jurisdiction to be invalid, such decision shall not
134 affect the validity of the remainder of the ordinance other than the part declared to be invalid.

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136 **SECTION 4. Effective Date.** This Ordinance shall take effect immediately
137 upon its passage and adoption.

138 PASSED AND ADOPTED on 1st reading, on _____, 20__.

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140 PASSED AND ADOPTED on 2nd reading, on _____, 20__.

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JOY F. COOPER
MAYOR

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY

Words in ~~strike through~~ type are deletions from existing text. Words in underline type are additions