



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
3/6/2024	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	2/21/2024	3/6/2024
File No.:		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
24-022		Advertising Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fiscal Impact (\$):		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
N/A	N/A	N/A	Project Number:	
N/A	N/A	N/A	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	Vanessa Leroy, Director	Sustainable Development	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input checked="" type="checkbox"/> Organizational Capacity		<input type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 2/21/2024 Estimated End Date: Upon adoption				

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 impetus for the primary changes to the fence code, presented herein, came from the concerns of some residents and elected officials, such as Vice Mayor Lima-Taub, regarding potential ways to increase safety and security within the City's neighborhoods. 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 chain link fences within the front and street-facing side yards. The advancement of this process was driven by Vice Mayor Anabelle Lima-Taub's recommendation to increase the maximum permitted fence height.

Staff seeks City Commission approval of the proposed Ordinance.

Background:

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, Staff has evaluated the current regulations to determine the appropriateness of increasing fence heights.

On January 24, 2024, the Planning and Zoning Board reviewed the proposed code amendment and recommended the City Commission adopt the proposed Ordinance by a vote of 5 to 0, with the following recommendation:

1. Restrict the maximum height of hedges and bushes to ten feet in the side and rear yards.
2. Restrict the maximum height of hedges and bushes in the front yard, as currently permitted, to six inches above the permitted height of the front yard fence.

After reviewing the Board's recommendations, Staff has amended the ordinance to restrict the height of hedges and bushes in the front yard as currently permitted. However, staff is recommending that height for hedges remain unrestricted in all other yards, as proposed.

Current Situation:

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 chain link 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.

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 chain link 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.

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.

Why Action is Necessary:

Pursuant to Article V, Division I, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance is required to amend an existing Ordinance.

Cost Benefit:


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.

PROPOSED ACTION:

Staff recommends the City Commission adopt the proposed Ordinance.

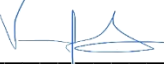
ATTACHMENT(S):

- Exhibit 1 – Proposed Ordinance
- Exhibit 2 – January 24, 2024 Planning and Zoning Board Cover Memo
- Exhibit 3 – January 24, 2024 Planning and Zoning Board Minutes
- Exhibit 4 - Presentation

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