

**ITEM #40**

**ADDITIONAL MATERIAL**

**PUBLIC HEARING**

**FEBRUARY 7, 2023**

**SUBMITTED AT THE REQUEST OF**

**RESILIENT ENVIRONMENT**

**DEPARTMENT**



Resilient Environment Department  
**URBAN PLANNING DIVISION**

1 N. University Drive, Box 102 | Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521

**TO:** Mayor and Members of the Board of County Commissioners

**THRU:** Monica Cepero, County Administrator

**FROM:** Darby P. Delsalle, AICP, Assistant Director  
Urban Planning Division

**DATE:** February 3, 2023

**RE:** **Agenda Item No. 40, February 7, 2023 – Roosevelt Gardens Fencing**

Please see attached the staff report, and map which were presented to the Local Planning Agency (LPA) at their meeting on December 20, 2022. Also included are the draft minutes of the LPA meeting and additional community correspondence.

Attach. (1)

cc: Kimm Campbell, Deputy County Administrator  
Andrew J. Meyers, County Attorney  
Maite Azcoitia, Deputy County Attorney  
Robert Melton, County Auditor  
Leonard Vialpando, Director, Resilient Environment Department

# **ADDITIONAL MATERIAL – INFORMATION**

## **STAFF REPORT**

Environmental Protection and Growth Management Department

# STAFF REPORT

## Amendment 22-Z4: Fences, Walls, and Hedges

### I. Item Summary

Figure 1: Item Summary

Figure 1: Item Summary	
Commission District	District 8 – Commissioner Robert McKinzie
Application/Agent	Urban Planning Division
Proposed modifications	Chapter 39-Zoning, Article XXXIX.-Central County Community Overlay District pertaining to fences, walls and hedges in the Central County Community. (Exhibit 2)
Effect of Proposed Change	Permits front yard fences and hedges up to 48” in height in the Roosevelt Gardens neighborhood.
Comprehensive Plan Consistency	Consistent - Broward Municipal Services District Element Objective BMSD 2.1 and Policies BMSD 4.1.4 and 4.1.5.

### II. Staff Recommendation

The Urban Planning Division staff recommend the Resilient Environment Department Local Planning Agency (LPA) find the proposed ordinance consistent with the Broward County Comprehensive Plan.

### III. Background.

**A. January 14, 1997:** The Broward County Board of Commissioners ("Board") enacted Ordinance No. 97-03, authorizing participation by Broward County in the Neighborhood Preservation and Enhancement Program. The Board subsequently enacted ordinances creating the Washington Park, Roosevelt Gardens, and Boulevard Gardens Neighborhood Preservation and Enhancement Districts and adopted Neighborhood Enhancement Plans for each District. Multiple ordinances were subsequently enacted amending the Neighborhood Enhancement Plans.

The Roosevelt Gardens Neighborhood Enhancement Plan (NEP) was adopted by the Board on March 9, 2004 by Ordinance 2002-06. The Roosevelt Gardens NEP prohibited fences and walls in the front yard, as well as the issuance of permits to replace or repair the fences.

**B. October 3, 2012:** The NEP provisions for fences, walls, and hedges were adopted into the Broward County Zoning Code and the NEP was subsequently repealed.

**C. September 27, 2012:** The Board adopted Ordinance 2012-25 creating Article XXXIX.-Central County Community Overlay District. It incorporated the requirements of the

Neighborhood Enhancement Plans, thereby making them redundant. Section 39-638 of the overlay specifically addressed fences, walls, and hedges, including fence height, type, and placement on the property.

**D. March 28, 2019:** The Board repealed the Neighborhood Enhancement Plans.

**E. October 11, 2022:** On October 11, 2022, the Board directed the Office of the County Attorney, in coordination with County staff, to draft an Ordinance amending Section 39-638 of the Broward County Code of Ordinances ("Zoning Code") to permit front yard fences in Roosevelt Gardens. Currently, front yard fences are permitted in all Central County Community neighborhoods except for Roosevelt Gardens. County staff recommends that the Zoning Code be amended to permit front yard fences in Roosevelt Gardens in light of recent requests for front yard fencing made by several property owners.

#### **IV. Description of Amendment.**

The proposed Ordinance (Exhibit 2) changes the zoning regulations for Roosevelt Gardens regarding front yard fences and walls. The proposed Ordinance accomplishes the following for single family, duplex, and assisted living facility dwellings:

- allows front yard fences and walls up to 48" in height;
- prohibits solid wood (including shadow box), solid concrete, solid vinyl, solid block, or other solid material fences and walls.
- allows up to an additional 12" in height to accommodate decorative features.

#### **V. Data and Analysis.**

The Broward County Code of Ordinances, Chapter 39-Zoning, Section 39-24 provides for the Board to amend zoning regulations whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires. In addition, the Board shall consider public input and the recommendations of staff in considering any ordinance amending the Zoning Code.

In 2012, front yard fences were prohibited for single family and duplex homes in Roosevelt Gardens. The chain link front yard fences, which are now at least 20 years old, were allowed to continue to the extent that they can be repaired and maintained, but they cannot be replaced with new fences. In some cases, only partial fences remain. Homeowners who apply for permits are denied, and those who install fences without permits are subject to code enforcement action.

There are 148 single family and duplex homes that have front yard fences that were permitted prior to the 2012 change in regulation prohibiting them in Roosevelt Gardens. These are identified in Exhibit 3. Eleven (11) were issued notices of violation due to the deteriorated condition. Several examples of existing fences are shown in Figure 2 below.

**Figure 2: Examples of Fences in Disrepair**



The proposed Ordinance is intended to allow transparent front yard fences. Figure 3 shows an example of a fence and gate with decorative features that would be allowed by the proposed Ordinance.

**Figure 3: Example of Allowable Fence and Gate**



Staff conducted an analysis of the proposed amendment and found it consist with the following policies of the Broward County Comprehensive Plan's Broward Municipal Services District Element:

- **OBJECTIVE BMSD 2.1 – Planning and Redevelopment** Broward County will continue to work with residents and business owners within the BMSD to improve the health, safety, and welfare, focusing on security, redevelopment, housing, transportation, education, open space and recreation, and local economic concerns.
- **POLICY BMSD 4.1.4** Broward County will regulate development in the Central County Community neighborhoods through the administration of the Comprehensive Plan, Land Development Code, and Zoning Code.
- **POLICY BMSD 4.1.5 –** Broward County will provide code enforcement services to the Central County Community to ensure compliance with zoning regulations and work with the HOAs and residents to identify code enforcement priorities.

**VI. Exhibits**

- Exhibit 1: Staff Report.
- Exhibit 2: Proposed Ordinance.
- Exhibit 3: Roosevelt Gardens Front Yard Fences Map.

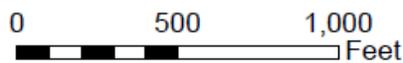
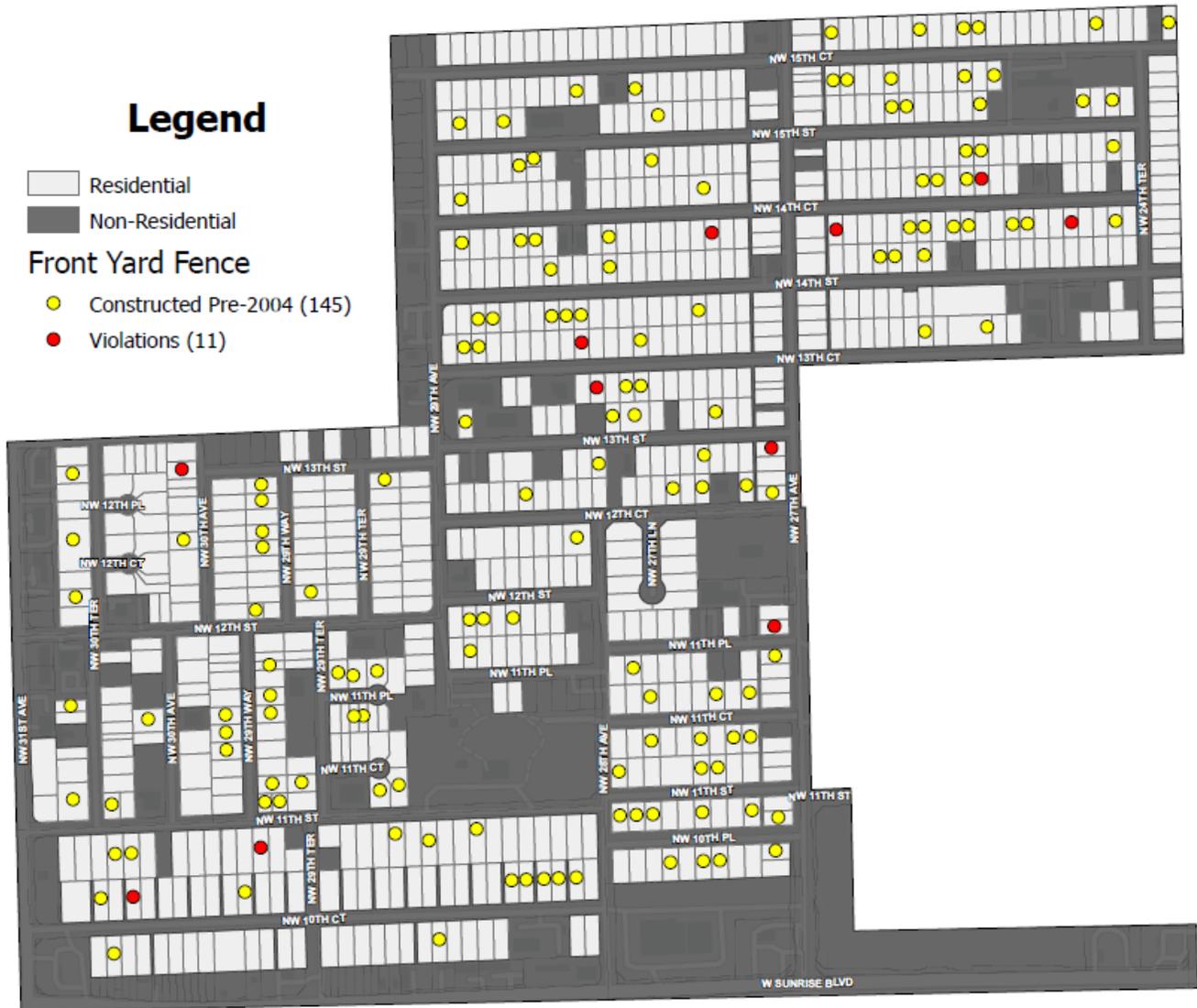
# Roosevelt Gardens Front Yard Fences

## Legend

- Residential
- Non-Residential

### Front Yard Fence

- Constructed Pre-2004 (145)
- Violations (11)



Prepared By:  
GIS Section  
Urban Planning Division  
Resilient Environment Department

This map is for conceptual purposes only and should not be used for legal boundary determinations.

#14883 nbiameta 11/28/2022

# **ADDITIONAL MATERIAL – INFORMATION**

## **LOCAL PLANNING AGENCY MINUTES**

**Resilient Environment Department Local Planning Agency**

Public Hearing

Government Center West – 2<sup>nd</sup> Floor Hearing Room

1 North University Drive, Plantation, FL 33324

December 20, 2022

**Attendance**

1. Board Members Present
  - a. Cyril Saiphoo, AICP, Chair
  - b. Susanne Carrano
  - c. Angela Chin, AICP
  - d. Howard Clarke
  - e. Sara Forelle, AICP
  
2. Board Members Absent
  - a. None
  
3. County Staff Present

Urban Planning Division

  - a. Heather Cunniff, AICP
  - b. Darby Delsalle, AICP
  - c. Willowstine Lawson
  - d. Josie Sesodia, AICP

County Attorney's Office

  - a. Alexis Marrero-Koratich

**Agenda**

1. **Call to Order**

Cyril Saiphoo called the meeting to order at 3:00pm. He stated that the meeting is open to the public, notice of the meeting was published in the Sun-Sentinel, and a copy of the notice is on file with the Urban Planning Division. Attendees were advised that the meeting is being recorded. The Local Planning Agency members introduced themselves.
  
2. **Approval of Minutes: August 16, 2022**

Upon a motion made by Susanne Carrano, seconded by Angela Chin, and unanimously approved, the August 16, 2022, Local Planning Agency minutes were unanimously approved.
  
3. **Broward County Zoning Code Amendment 22-Z4:** Mr. Saiphoo introduced the item and requested a staff presentation. Ms. Cunniff introduced herself and stated she is the Planning Section Supervisor, has over 25 years of professional planning experience, and is certified with the American Institute of Certified Planners. She entered the written Staff Report into the record as part of the public hearing and noted the Staff Report includes the full background and details.

The proposed zoning code change concerns front yard fences and walls in the Roosevelt Gardens neighborhood. The current regulations for Roosevelt Gardens are included in Broward County's Zoning Code as part of the Central County Community Overlay District. Front yard fences and walls are currently

permitted in all Central County neighborhoods, except for Roosevelt Gardens. Recently, several property owners in Roosevelt Gardens have requested front yard fencing.

The proposed amendment:

- Permits front yard fences and walls up to 48” in height.
- Prohibits solid wood (including shadow box), solid concrete, solid vinyl, solid block, or other solid material fences and walls.
- Allows up to an additional 12” in height to accommodate decorative features.

Staff conducted an analysis of the proposed amendment and found it consistent with the Broward County Comprehensive Plan’s Broward Municipal Services District Element, including Objective BMSD 2.1, Policy BMSD 4.1.4, and Policy BMSD 4.1.5. The Staff Report includes the text of the objective and policies.

Ms. Cunniff concluded her presentation by stating that Urban Planning Division staff recommend the Resilient Environment Department Local Planning Agency find the proposed ordinance consistent with the Broward County Comprehensive Plan.

Mr. Saiphoo opened the item for public comments. Lillian Champion, a resident and property owner in Roosevelt Gardens, stated her support for having a fence in her front yard.

Upon a motion made by Howard Clarke, seconded by Angela Chin, and unanimously approved, the Local Planning Agency accepted public comments and approved the staff recommendation. Mr. Saiphoo assisted to draft the proposed Ordinance and recused himself from the vote.

4. **Public Comments:** Non-Agenda Items

No comments.

5. **Adjourn**

Upon a motion made by Ms. Carrano, seconded by Ms. Chin, and unanimously approved. The meeting adjourned at 3:06pm.

# **ADDITIONAL MATERIAL – INFORMATION**

## **COMMUNITY CORRESPONDENCE**

## COUNTY EMAIL NOTICE SENT TO ROOSEVELT COMMUNITY MEMBERS

**From:** Lawson, Willowstine

**Sent:** Thursday, December 15, 2022 4:21 PM

**Subject:** Roosevelt Gardens Fence Ordinance

Good afternoon Roosevelt Gardens community,

Broward County is proposing to allow front yard fences in your neighborhood. Did you know that Roosevelt Gardens is the only neighborhood in Central County where residents cannot have new fences in the front yard?

The front yard fences that you see today are 20+ years old. They can be repaired but cannot be replaced with new fences. Homeowners who apply for permits are denied, and those who install fences without permits are subject to code enforcement action.

The Board of County Commissioners is considering a change to the Zoning Code. It would allow front yard fences in Roosevelt Gardens for single family and duplexes:

1. Fences up to four feet (48")
2. No solid fences and walls.
3. Allows small decorative features (up to 12").

**Figure 3: Example of Allowable Fence and Gate**



The Local Planning Agency is holding a Public Hearing Tuesday, December 20<sup>th</sup>, 3:00 pm at Government Center West, 1 North University Drive. **Picture ID is required to enter the building.**

A copy of the full report is attached. If you have comments or concerns please reply to this email or attend the meeting.

Upcoming meeting

### **Local Planning Agency**

December 20, 2022

3:00pm

Government Center West – 2nd Floor Hearing Room

1 North University Drive

Plantation, FL, 33324

**(Picture ID is required to enter the building)**

## **HOMEOWNERS' Comments on Roosevelt Gardens Fence Ordinance Amendment**

**From:** Yahoo <tanyh1@yahoo.com>

**Sent:** Monday, December 19, 2022 10:55 AM

**To:** Lawson, Willowstine <WLAWSON@broward.org>

**Subject:** Re: Broward Municipal Services District updates (please respond)

Good evening, I received the notice of hearing regarding the front yard fence. I am in total agreement that this ordinance must be changed and allow the fences across the front yard. I will not be able to attend the meeting in person but I am in total agreement to change the ordinance. Thank you

[Sent from Yahoo Mail on Android](#)

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**From:** Adrian Jackson <adrianjackson74@gmail.com>

**Sent:** Thursday, December 15, 2022 5:21 PM

**To:** Lawson, Willowstine <WLAWSON@broward.org>

**Subject:** Re: Roosevelt Gardens Fence Ordinance

Hello,

I would love to attend this meeting it's just during my work hours, but I'm all for having a fence in my area of Roosevelt Gardens is there anything else I can do?

Ms. Adrian Jackson

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**From:** Yahoo <tanyh1@yahoo.com>

**Sent:** Thursday, December 22, 2022 5:43 PM

**To:** Lawson, Willowstine <WLAWSON@broward.org>

**Subject:** Re: Broward Municipal Services District updates (please respond)

Good evening. This is Tanya Freeman. I wanted to ask was there a decision regarding the fence ordinance?

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**From:** Howard Kaplan <jinje1818@gmail.com>

**Sent:** Wednesday, January 18, 2023 5:03 PM

**To:** Lawson, Willowstine <WLAWSON@broward.org>

**Subject:** Re: Roosevelt Gardens' Fence Ordinance Amendment

Thank you for the information.

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**From:** SCHERRIE THOMAS <sa09thomas@gmail.com>

**Sent:** Thursday, January 19, 2023 8:11 PM

**To:** Lawson, Willowstine <WLAWSON@broward.org>

**Subject:** Re: Roosevelt Gardens' Fence Ordinance Amendment

Thank you for the update