

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: May 20, 2025 **FILE:** 25-T-32

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Umar Javed, Planner II

SUBJECT: Text Amendment to Articles 2, 4 and 5 of the Zoning and Land Development Regulations with regards to the administrative review process pertaining to fence standards within the City of Hollywood

REQUEST:

A Text Amendment to Articles 2, 4 and 5 of the Zoning and Land Development Regulations with regards to the administrative review process pertaining to fence standards within the City of Hollywood

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency, forward ***a recommendation of approval*** to the City Commission.

BACKGROUND

In the City of Hollywood, Florida, regulations governing fences are outlined in the Code of Ordinances, specifically in § 155.12 – "Fences, Walls, Bushes, or Hedges." This section details permissible fence heights based on zoning classifications and yard locations, and includes provisions and requirements for setbacks, view triangles, and corner lots within the City. Within the Zoning and Land Developments Regulations (ZLDR) Article 2 of the City's zoning code establishes key terms and definitions throughout the code, however this section does not include a definition for fences. Article 4 governs setback regulations, material prohibitions, and ornamental fixtures. Article 5 governs the administrative variance process and the applicable standards of the ZLDRs that may seek relief administratively.

In October 2010, standards for fences and hedges were removed from the Zoning and Land Development Regulations (ZLDRs) and incorporated into the City's Code of Ordinances at the direction of the City Commission. This consolidation aimed to resolve conflicting regulations related to fence height and to introduce new provisions addressing safety concerns associated with hedge placement in specific locations.

Since then, increased conflicts involving fences—particularly on irregularly shaped lots—along with forthcoming changes to the ZLDRs regarding Administrative Decisions, have prompted staff to revisit this section. The proposed reintegration of fence and hedge standards into the ZLDRs is intended to support a more consistent, intentional, and merit-based approach to administrative decisions as it pertains to fencing.

In recent years, Planning staff have received an increasing number of inquiries and complaints from residents seeking to repair or improve deteriorating fences that do not conform to current code requirements. The existing Zoning and Land Development Regulations offer limited clarity on how to address such legal nonconforming conditions as it pertains to fencing —particularly for corner lots and other uniquely situated properties. The absence of a defined pathway for relief has resulted in inconsistent lot determinations and an increase in non-compliant or unpermitted fences across the city.

To better understand the relationship between lot configuration and fence compliance, staff conducted a research assignment in April 2025, reviewing several hundred irregular parcels throughout the city. The analysis found generally inconsistent application of fence height maximums on corner and irregular lots. However, the assignment revealed significant discrepancies and inconsistencies with regards to how “corner lots” are defined, due to the absence of formal parameters in the Code or ZLDR. The results of this analysis are included as **Attachment B** to this report.

REQUEST

In an effort to continue supporting residents with opportunities to comply with the City’s requirements, the proposed text amendment is intended to consolidate the location of fencing standards from the Code of Ordinance and Zoning and Land Development Regulations and to establish a definition and administrative review process for fences under Article 2 and 5, respectively. General regulations for fences, gates, and ornamental fixtures remain under Article 4, with added language to clarify the implantation of ornamental fixtures.

The proposed amendment includes all existing language from the Code of Ordinance § 155.12 and locates these standards in a new subsection of Section 4.23. It is important to note, the text amendment does not propose changes to the maximum permitted fence heights, hedge heights, and sight triangles.

The proposed text amendment improves the subsection structure and adds clarity to the language while striking an effective balance between administrative flexibility and design integrity. Structured discretion is appropriately vested in the Director of Development Services, with clear review criteria to ensure compatibility with neighboring properties, the public realm, and corner-lot visibility (view triangles). The amendment further delineates standards for ornamental and security fixtures above the fence height maximum. This is an effort to prevent over-fortification and the creation of continuous or overly aggressive fence forms that negatively impact the public realm. These controls help maintain visual order, minimize clutter, and support a cohesive streetscape. Legal nonconforming fences are addressed in a narrowly tailored way that permits material upgrades or replacement—enhancing durability and appearance—without altering their nonconforming height or location. This aligns with best planning practices and respects the intent of the ZLDR non-conforming standards in Section 3.12 and ensuring that existing nonconformities are not expanded.

The request proposes to amend Article 2, 4, and 5 in the following subsequent manner:

* * *

§ 2.2 Definitions

Fences. A structure or partition, including walls or hedges constructed of approved material, which is erected for the purpose of enclosing, screening, dividing, or delineating a yard, lot, or property boundary, or for providing privacy, security, or aesthetic separation.

* * *

4.23 Supplemental Setback Regulations for Allowable Encroachments in Front, Side and Rear Yards.

7. Fences and walls:

~~For height regulations related to residential zones refer to § 155.12 of the City Code of Ordinances.~~

- a. General: All fences, walls, bushes or hedges shall not exceed the heights listed herein. Height shall be measured from the grade of the property upon which the fence, wall, bush or hedge is located, measured at a point one foot therefrom. In no case, however, when the adjacent property is lower in grade than the property upon which the fence, wall, bush or hedge is located may the allowable height thereof, when measured from the grade of such adjacent property at the property line, exceed the above permitted height by more than three feet. Front yard area shall be that portion of the property as required by the Zoning and Land Development Regulations.

* * *

5. Gates shall be subject to the same provisions and requirements as fences.

* * *

- c. Ornamental fixtures or lamps (on walls, fences, gates) are allowed in all districts subject to the following:
 1. Permitted to be placed on walls or fences ~~when they are adjacent to a public street, alley, golf course or waterway. The total height of the combined structure shall not exceed the fence or wall height by more than 2 feet and may extend a maximum of two (2) feet above the permitted fence or wall height, provided they are not visible from any public street, alley, golf course, or waterway. No ornamental projection shall be permitted above the maximum allowed fence or wall height when visible from any of these areas.~~
 2. ~~Located with a minimum separation of 8 feet on center with a maximum width of 2 feet.~~

2. Shall have at minimum 75% transparency, unless located with a minimum separation of 8 feet on center with a maximum width of 2 feet.

d. Height.

1. Residential Zone.

- i. Front yard area – four feet.
- ii. Side yard area – six feet.
- iii. Rear yard area – six feet.
- iv. Rear or interior side yards adjacent to non-residentially zoned property – eight feet.

2. Non-residential Zone.

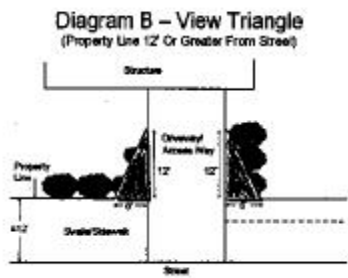
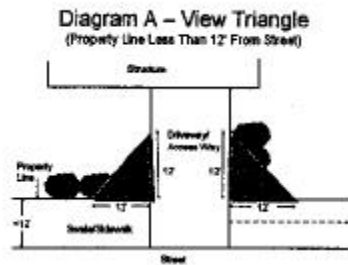
- i. Front yard area – eight feet.
- ii. Rear yard area – eight feet.
- iii. Interior side yard area(s) – eight feet.

3. Corner setback area (all zones). The corner setback area is the area lying adjacent to a street or alley as delineated by a line connecting points measured 25 feet distant along the property lines from the intersection of a street or six feet along the property lines at the intersection of an alley and a street.

- i. The height of bushes, hedges, fences and walls located within corner setback area is restricted to two feet. Fences may be constructed to a height of four feet within the corner setback area when it is determined by the City Engineer or his/her designee that such height does not constitute a visual barrier.

4. View triangle area (all zones).

- i. The view triangle is the area adjacent to an access way and the private property line where the access way intersects a street. For properties in which the property line parallel to the street and adjacent to the subject access way is located less than 12 feet from the street, the view triangle area is delineated by a line connecting points measured 12 feet distant along the property line from the intersection of the access way and 12 feet distant along the access way, as depicted in Diagram A. For properties in which the property line parallel to the street and adjacent to the subject access way is located more than 12 feet from the street, the view triangle area is delineated by a line connecting points measured 12 feet distant along the property line from the intersection of the access way and six feet distant along the access way, as depicted in Diagram B.



- ii. All fences, walls, bushes, hedges, and any other landscaping or plant material, within the view triangle shall provide unobstructed cross visibility at a level between 30 inches and 72 inches above ground level.
- iii. Trees having over 72 inches of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the view triangle shall be permitted within said areas, provided they in no way impede visibility. No landscaping elements, except for required grass or ground cover, shall be located closer than 36 inches from the edge of any vehicular travel lane.
- iv. Trees having over six feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the cross visibility area shall be permitted in said areas, provided they in no way create a traffic hazard. No landscaping elements, except for required grass or ground cover, shall be located closer than three feet from the edge of any access way. Plant Material and ground covers which are listed in the City of Hollywood Landscape Manual and are not over two feet in overall height may be located in the swale areas.

7. Hedges.

For height regulations related to hedges refer to § 155.12 of the City Code of Ordinances.

a. General:

1. Residential Zone.

- i. Front yard area – no height restriction, except for bushes and hedges located within view triangle, wherein division (D) below shall apply.
- ii. Side yard area – no height restriction, except for bushes and hedges located within view triangle, wherein division (D) below shall apply.
- iii. Rear yard area – no height restriction.

2. Non-residential Zone.
 - i. Front yard area – no height restriction, except for bushes and hedges located within view triangle, wherein division (D) below shall apply.
 - ii. Side yard area – no height restriction, except for bushes and hedges located within view triangle, wherein division (D) below shall apply.
 - iii. Rear yard area – no height restriction.

§ 5.4. Administrative Variance

B. The Request pertains to the height or legal nonconformity of a fence, may be granted if it:

- i. Does not adversely impact neighboring properties, the public realm, and view triangles on corner lots, as determined by the Director of Development Services, or designee;
- ii. Does not include ornamental or security fixtures that exceed the maximum permitted fence height of the Code; and
- iii. At least **one** of the following applies:
 1. The existing fence is legal nonconforming and only modified in a manner that does not alter the dimensions or location of the fence; or
 2. For lots with two street frontages, a height increase of up to two (2) feet may be permitted on the frontage that does not contain the primary entrance or driveway, or on the side deemed appropriate by the Director of Development Services.

The text amendment grants the Director of Development Services with limited but meaningful discretion to evaluate context-specific circumstances, especially for corner lots and dual street frontages. At the same time, it constrains that discretion with objective thresholds and categorical limits, reducing the risk of precedent-setting exceptions or equity concerns. The provision is internally consistent and avoids conflict with broader code provisions related to legal nonconformities and development standards. The structure of the section ensures that all proposals must meet mandatory criteria (i and ii) before any discretionary consideration (iii) can apply. The fixture clause is drafted in prohibitive, not permissive language, meaning it cannot be bypassed through administrative variances or liberal interpretation.

Collectively, the amendment preserves the City's design character by balancing the need for regulatory consistency with the practical realities of unique lot conditions. It helps maintain a cohesive, pedestrian-friendly public realm that is not visually or functionally degraded by excessive fencing or abrupt transitions in the urban landscape. At the same time, it introduces a more equitable approach for corner lots, which often face stricter height limitations due to their orientation. By providing a clearly defined path to request additional heights appropriately mitigated through design measures such as increased transparency or reduced opacity, the amendment ensures that these lots can achieve the same functional benefits afforded to interior lots, without compromising the overall aesthetic or safety objectives of the Code.

SITE INFORMATION

Applicant: City of Hollywood
Location: Citywide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendments are consistent with the Comprehensive Plan, based upon the following:

Objective 4: *Promote improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination to maintain and enhance neighborhoods, businesses, and tourist areas.*

By implementing a clear definition for fences and establishing a variance process for the City's fencing process, the city can ensure that individual property enhancements contribute positively to the overall aesthetic and character of neighborhoods. Allowing administrative variances provides the necessary response to accommodate residents with unique site conditions while still adhering to the overarching design standards.

Policy 13.2: *Incorporate Crime Prevention through Environmental Design (CPTED) principles into the design and construction of new public facilities and areas. When financially feasible, retrofit existing facilities and areas in order to incorporate CPTED principles. (CWMP Policy CW.33)*

The purpose of this policy is to support design that promotes public safety. Fence height, transparency, and placement can affect sight lines, visibility, and crime deterrence. Administrative variances can allow for security-driven solutions without undermining design standards.

Objective 5: *Encourage appropriate infill redevelopment in blighted areas throughout the City and economic development in blighted business and tourist areas by promoting improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination. Policy 5.12: Simplify the Zoning and Land Development Regulations.*

Policy 5.6: *Simplify the Zoning and Development Regulations.*

By consolidating the fence and hedge provision, the parameters and standards by which fences and hedges are evaluated against are simplified and inconsistencies are eliminated.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

The proposed text amendments that clarify or modify fence regulations help ensure that development—particularly in residential or mixed-use areas—remains compatible and consistent with surrounding uses. Providing residents with an administrative variance process can prevent overly rigid interpretations while still maintaining community character.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood’s Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed change is consistent with the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed text amendment related to fences and administrative variances is consistent with the Goals, Objectives, and Policies of the City of Hollywood’s Comprehensive Plan because it supports the orderly and compatible development of neighborhoods by providing clear and consistent standards for fence placement and design, while also allowing the City to address unique property conditions in a fair and efficient manner. This approach aligns with the Comprehensive Plan’s goals to enhance community appearance, protect neighborhood character, and promote resident-oriented solutions that uphold the intent of the regulations. By enabling administrative review, the City can better support residents in a timely manner in improving property standards without compromising the Plan’s broader vision for quality urban design and cohesive development.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: Development throughout the City of Hollywood is constantly evolving and changing since the date the present zoning regulations were established. This is especially true with regard to how the Code addresses lots with two street frontages. The current zoning framework lacks clear parameters for distinguishing between corner lots, through lots, and other irregular configurations. This ambiguity has led to varying administrative interpretations over time, resulting in inconsistent enforcement and the creation of legal nonconformities that were not anticipated when the Code of Ordinances was originally adopted. The absence of definitional clarity and predictable application has made it increasingly difficult for both staff and property owners to navigate fence height and placement regulations with confidence, necessitating the proposed amendment to provide consistency, fairness, and measurable relief mechanisms.

The proposed text provides a clear, enforceable, and balanced framework for evaluating fence height and legal nonconformity requests. It reflects sound planning practice by protecting public safety and neighborhood character while allowing reasonable administrative flexibility under controlled conditions.

FINDING: Consistent

ATTACHMENTS

ATTACHMENT A: South Florida Municipalities – Research

ATTACHMENT B: Jurisdictional Scan – Research