

**ORDINANCE NO. 15-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 86 "ZONING", ARTICLE VII "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 1. "GENERALLY" BY AMENDING SECTION 86-346 "APPLICATION" TO CLARIFY THAT THESE REGULATIONS PERTAIN TO ALL DISTRICTS; BY AMENDING SECTION 86-348, "FENCES, WALLS AND HEDGES" TO SET THE HEIGHTS OF FENCES, WALLS, HEDGES AND SHRUBS WITHIN THE TOWN LIMITS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town Council of the Town of Lake Clarke Shores has been reviewing those sections of the Town Code generally under the jurisdiction of the Town's Code Enforcement Board; and

**WHEREAS**, the Town Council finds a need to amend the regulations and requirements to the vegetation code to ensure the safety and wellbeing of motorists and pedestrians while traveling along roadways throughout the Town; and

**WHEREAS**, the Town Council finds it to be in the public interest to make certain amendments to said sections of the Town Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are hereby ratified as true and correct and incorporated herein.

**SECTION 2.** Amend Chapter 86 "Zoning", Article VII "Supplementary District Regulations", Division 1 "Generally", Section 86-346 "Application" as follows:

**Sec. 86-346. Application.**

In addition to regulations listed for individual districts in article VI, divisions 2 through 6 of this chapter, the regulations in this article apply ~~in two or more districts or generally~~ in all districts.

**SECTION 3.** Chapter 86 "Zoning", Article VII "Supplementary District Regulations", Division 1 "Generally", Section 86-347 "Landscape requirements" shall remain as follows:

**Sec. 86-347. Landscape requirements.**

The landscaping of any and all property within the town shall be in conformity with and subject to the regulations of article II of chapter 82 of this Code.

**SECTION 4.** Amend Chapter 86 “Zoning”, Article VII “Supplementary District Regulations”, Division 1 “Generally”, Section 86-348 “Fences, walls and hedges” as follows:

**Sec. 86-348. Fences, walls and hedges.**

(a) In addition to the applicable landscaping regulations of article II of chapter 82, ~~regarding landscaping~~, fences, walls, hedges and shrubs may be permitted in any yard or along the edge of any required yard, consistent with the applicable provisions of this Code ~~provided that no fence, wall, hedge or shrub within ten feet of the nearest public street shall exceed two feet six inches in height, and provided further~~ except that section ~~86-347 82-64~~ shall also apply where street intersections, rights-of-way, ingress/egress easements and driveways are involved.

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(h) Fences, walls, hedges and shrubs must be located within the owners' property. In addition, no fences, walls, hedges or shrubs shall be located within four feet of the edge of the paved road, said distance to be measured from the face of the fence, wall, hedge or shrub. Furthermore, fences, walls, hedges and shrubs shall be limited in height as follows:

- (1) Hedge Hheight must be consistent with Section 82-64. ~~may not exceed two feet six inches within ten feet of the edge of the paved road. Fences, walls, hedges and shrubs installed prior to the adoption of Ordinance No. 346 for which there is a valid permit are exempted from this prohibition, provided said fences, walls, hedges or shrubs comply with the policies and procedures contained in Ordinance No. 346.~~
- (2) ~~Hedges and shrubs. Height may not exceed eight feet for front and rear lot lines and eight feet for side lot lines, provided that the front yard restrictions set forth in subsection (h) (1) have been followed, except existing hedges which are higher than eight feet on or before February 1, 1996 will be grandfathered to their existing height.~~
- (3~~2~~) Fences and walls. Height may not exceed six feet for side and rear yards and may not exceed two feet six inches within ten feet of the edge of the paved road and within a safe sight triangle. Measurement shall be made from the natural grade of the property to the top of the fence or wall. The natural grade of the property shall not be altered in any way, in order to raise the height of the fence or wall.

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- (k) ~~The owner of the hedge shall be responsible for controlling roots in easements and adjacent property~~

**SECTION 5.** The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

**SECTION 6.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

**SECTION 7.** This ordinance will take effect immediately upon adoption.

**PASSED** this 14<sup>th</sup> day of July 2015, on first reading.

**PUBLISHED** this 27<sup>th</sup> day of August 2015, in the Lake Worth Herald.

**PASSED AND ADOPTED** this 15<sup>th</sup> day of September, 2015, on second and final Reading.

	FOR	AGAINST
By: <u>[Signature]</u> Robert M. W. Shalhoub, Mayor	<u>X</u>	_____
<u>[Signature]</u> Gregory Freebold, Vice Mayor	<u>O</u>	_____
_____ Valentin Rodriguez, Jr., President Pro Tem	<u>X</u>	_____
<u>[Signature]</u> Malcolm K. Lewis, Council Member	<u>X</u>	_____
<u>[Signature]</u> Thomas C. Mayes, Jr., Council Member	<u>X</u>	_____

ATTESTED:  
[Signature]  
Mary Pinkerman, Town Clerk

*Ordinance #15-09*  
*Sponsored by: the Town Council*