

ORDINANCE NO 12-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING SECTIONS OF CHAPTER 82 "VEGETATION" ARTICLE II "LANDSCAPING" DIVISION 3 "STANDARDS AND REQUIREMENTS" CODE OF ORDINANCES REGARDING LANDSCAPING AROUND FREESTANDING SIGNS; SIGHT DISTANCES ADJACENT TO RIGHTS-OF-WAY AND POINTS OF ACCESS; AND PROHIBITED TREES; 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 periodically reviewed sections of the Town Code; and

WHEREAS, the Town Council finds it to be in the public interest to make amend certain sections of the Town Code; and

WHEREAS, the Town Council finds a need to address the landscaping around the various freestanding signs located along Forest Hill Boulevard; 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 would like to clarify that prohibited trees shall not be planted anywhere within the Town limits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, as follows:

SECTION 1. Amend Chapter 82 "Vegetation" Article II "Landscaping" Division 3 "Standard and requirements" as follows:

Sec. 82-63. - Other vehicular use area requirements.

(d) The base of each permitted freestanding sign shall be concealed within a planter box landscaped area of dimensions appropriate to the width or length of sign. ~~The~~ with a minimum

dimensions shall be no less than of three square feet in all directions, and a maximum of one foot high. Each planter box shall contain appropriate shrubs. The landscaped area shall be consistent with the overall landscaping plan for the site.

Sec. 82-64. - Sight distances adjacent to public rights-of-way and points of access.

(a) *Required.* When a point of ingress or egress (driveways) intersects a public-right-of-way or ingress/egress easement, all landscaping within the area described in subsection (b) of this section, shall allow cross-visibility at a level between two feet six inches above the sidewalk grade and eight feet above the sidewalk grade. When the subject property abuts the intersection of two or more public rights-of-way or ingress/egress easements, all landscaping within the area described in subsection (b) of this section, shall allow cross-visibility at a level between two feet six inches above the sidewalk grade and ten feet above the sidewalk grade. However, trees or palms shall be permitted, provided same are trimmed so as to allow visibility at the levels indicated in this subsection, provided they are located so as not to create a traffic hazard. In addition to the foregoing, all landscaping within rights-of-way owned by the town or in rights-of-way in which the town has any interest must meet the requirements of section 86-348 of this Code.

(b) *Area.* The area from the edge of pavement at the intersection of the public-rights-of-way or ingress/egress easements to a line connecting the points 25 feet from such intersection along such edges of pavement or the area from the edge of pavement at the intersection of the driveway with the right-of-way or ingress/egress easement to a line connecting the points ten feet from such intersection along such edge of pavement and driveway.

(c) *Tree canopies.* The canopy of trees that extends over roads and road rights-of-ways and ingress/egress easements shall be trimmed **and maintained** by the owner to a height of 13 feet six inches **or greater** above the **road and right-of-way travel surface**.

Sec. 82-67. - Prohibited species of trees.

Prohibited species of trees shall be those species whose roots are known to cause damage to public roadways or other public improvements, and shall not be planted closer than 20 feet to such improvements. The following list of prohibited species shall not be considered a complete list, but may be added to as the need arises:

SECTION 2. 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.


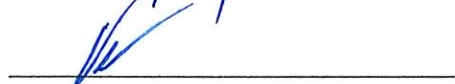
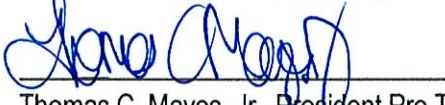


SECTION 3. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

SECTION 4. This ordinance will take effect immediately upon adoption

PASSED AND ADOPTED the 9th day of October 2012, on first reading.

PUBLISHED the 25th day of October 2012, in the Lake Worth Herald.


PASSED AND ADOPTED this 13th day of November, 2012, on second and final Reading.

	FOR	AGAINST
By: <u></u> Gregory Freebold, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Valentin Rodriguez Jr., Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Thomas C. Mayes, Jr., President Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Malcolm K. Lewis, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Robert M. W. Shalhoub, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTESTED:


Mary Pinkerman, Town Clerk

REVIEWED FOR LEGAL FORM AND SUFFICIENCY BY:


Charles F. Schoech, Town Attorney