

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA; AMENDING THE LAND DEVELOPMENT CODE BY SPECIFICALLY AMENDING ARTICLE IV SECTION 4.01.02 ENTITLED "LANDSCAPING MATERIALS AND STANDARDS," TO PROVIDE STANDARDS FOR SYNTHETIC TURF, ARTICLE V ENTITLED "DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS," TO PROVIDE FOR ADDITIONAL HEIGHT STANDARDS AND MEASUREMENTS AND REQUIRED LAWN SPACE, AND ARTICLE VI SECTION 6.01.06 ENTITLED "WALLS, FENCES, HEDGES, AND SEAWALLS" TO PROVIDE FOR MINIMUM SEAWALL HEIGHT AND ENFORCMENT AND FOR FENCE AND WALL INSTALLATION STANDARDS; PROVIDING DEFINITIONS; PROVIDING FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council takes legislative notice of the quality of life enjoyed by the residents of the Village due to its unique residential character; and

WHEREAS, the Village Council finds and determines that the quality of life unique to the Village of Sea Ranch Lakes can be and shall be preserved by requiring that the aesthetics of the Village are to be maintained and enhanced; and

WHEREAS, pursuant to the Broward County Land Use Plan, Policy 2.21.7 all local governments are required to adopt an ordinance implementing the regional standard to mitigate high tide flooding by February 13, 2022; and

WHEREAS, the Village Council of the Village of Sea Ranch Lakes, Florida hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA:

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Village of Sea Ranch Lakes, Florida hereby amends Article IV Section 4.01.02 of the Village's Land Development Code entitled "Landscaping Materials and Standards" as follows:

4.01.02 - Landscape Materials and Standards.

~~(k) Use of artificial grass shall be permitted only within the confines of a driveway or in a backyard which shall comply with Rule 64E-6 of the Florida Administrative Code governing septic tanks. Any additional use of artificial grass shall require the prior approval of the Village Council.~~

(k) Synthetic Turf.

(1) Synthetic turf may be permitted on all residential lots, shall comply with Rule 64E-6 of the Florida Administrative Code governing septic tanks, as may be amended, and shall be subject to the requirements and procedures set forth in this section.

- (2) Synthetic Turf shall be counted towards the minimum required landscaped areas, buffers, foundation plantings or landscape islands.
- (3) Synthetic turf shall comply with all of the following design standards and shall:
- i. Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall have a minimum eight-year "no fade" warranty.
 - ii. Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches.
 - iii. Have a minimum face weight of 75 ounces per square yard.
 - iv. Be manufactured from polyethylene monofilament, and dual yarn system.
 - v. Be permeable.
 - vi. Be lead free and flame retardant.
- (4) Synthetic turf shall comply with all of the following installation standards and shall:
- i. Be installed by a state-licensed general contractor or specialty licensed contractor in a manner prescribed by the manufacturer.
 - ii. Be installed over a subgrade prepared to provide positive drainage and an evenly graded, porous crushed rock aggregate material that is a minimum of three inches in depth.
 - iii. Be anchored at all edges and seams consistent with the manufacturer's specifications.
 - iv. Not have visible seams between multiple panels.
 - v. Have seams that are joined in a tight and secure manner.
 - vi. Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications that shall:
 - 1. Be brushed into the fibers to ensure that the fibers remain in an upright position;
 - 2. Provide ballast that will help hold the turf in place; and
 - 3. Provide a cushioning effect.
- (5) Synthetic turf shall comply with all of the following additional standards:
- i. Areas of living plant material shall be installed and/or maintained in conjunction with the installation of synthetic turf. Living plant material shall be provided per the minimum code requirements.
 - ii. Synthetic turf shall be separated from planter areas and tree wells by a concrete mow strip, bender board or other barrier to prevent the intrusion of living plant material into the synthetic turf.
 - iii. Irrigation systems proximate to the synthetic turf shall be directed so that no irrigation affects the synthetic turf.
- (6) Synthetic turf shall comply with all of the following maintenance standards and shall:
- i. Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear.
 - ii. Be maintained in a green fadeless condition and free of weeds, debris, and impressions.
- (7) The following uses are prohibited:
- i. Synthetic turf in the public rights-of-way or swales.
 - ii. Synthetic turf shall not be used as a screening material where screening is required by this Code.
- (8) All uses of synthetic turf shall require a building permit. The building permit application shall include, at a minimum, all of the following information:

- i. A complete landscape plan showing the area of synthetic turf, area of living plant material, and area and method of separation between these areas. Minimum landscape requirements shall be required.
- ii. Details regarding existing or proposed irrigation proximate to the synthetic turf.
- iii. Brand and type of synthetic turf, including all manufacturer specifications and warranties.
- iv. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.
- v. A survey of the property with a signed affidavit from the property owner that no changes have occurred since the date of the survey.

Section 3. The Village of Sea Ranch Lakes, Florida hereby amends Article V of the Village's Land Development Code entitled "Development Design and Improvements Standards" as follows:

5.01.01 - Minimum Lot Area Requirements and Other Site Considerations.

(3) *Building Height.* The height of any building shall be no more than 35 feet above grade measured to the highest structural component of the structure such as roof ridge, parapet wall, spire, or screen.

(4) *Lawn Area.* The area between the front lot line and the main structure and the area between the rear lot line and the main structure and the area between the side lot lines and the main structure shall be sodded or landscaped with a minimum greenspace area of 30% except for a driveway to the garage.

5.01.02 – Building Setback Requirements.

A. *Residential District.* On all lots, other than those fronting upon the Waterfront boundary, no structure or any part thereof, including garages, porches and carports shall be erected any closer to the front property line than twenty-five feet (25') or a distance which is twenty percent (20%) of the dimension of the lot from the front property line to the rear property line, whichever is the lesser. All lots fronting upon the Waterfront boundary, no structure or any part thereof, including garages, porches and carports, shall be erected any closer than twenty-five (25) feet to the street line. On all lots no structure or any part thereof, shall be erected any closer than twelve feet (12') to either side property line except in the case of corner lots in which event the setback line on that side facing the street shall be fifteen feet (15') from said street line. Notwithstanding the foregoing, where a structure exceeds twenty-two feet (22') in height that portion of the structure above twenty-two feet (22') in height shall be set back an additional one foot (1') per foot of additional height. On all lots except those lots fronting upon the Waterfront boundary, no structure or part thereof, shall be erected any closer than fifteen feet (15') to the rear property line. On all lots fronting upon the Intracoastal Waterway, no structure or any part thereof, shall be erected any closer than fifteen feet (15') from the rear property line ~~water line~~ and on all lots fronting upon the interior lakes, no structure or any part thereof, shall be erected any closer than twenty-five feet (25') from the rear property line ~~lake line~~.

In addition to the foregoing setback requirements, roof over-hangs shall not extend more than thirty inches beyond any wall.

5.01.03 – Demolition Sites

A. If all or any existing structures on a lot are being, or have been, totally demolished drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition building permit and thereafter maintained.

B. If any or all existing structures on a lot are being, or have been, demolished in preparation for new development in accordance with a valid development order and/or building permit, and the construction of a principal structure has not commenced within 30 days after the demolition has been completed, the owner of the lot shall install drought-resistant sod or drought-resistant ground cover and shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction.

Section 4. The Village of Sea Ranch Lakes, Florida hereby amends Article VI Section 6.01.06 of the Village's Land Development Code entitled "Walls, Fences, Hedges, and Seawalls" as follows:

6.01.06. - Walls, Fences, Hedges, and Seawalls.

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. However, in the event that a wood fence is constructed against a significant obstacle on the adjoining property such as a hedge or another fence, that line of fence against the obstacle may be constructed with posts on the outside of the fence.

A. Fences, hedge, Walls and Other Structures. No hedge or fence over three feet in height, or any impervious surface except for the seawall shall be permitted on any lot abutting interior waters or intracoastal waterways for a distance of 15 feet from the mean water line or property line whichever is furthest landward, and no hedge or fence over eight feet in height shall be permitted from such point to the setback line, except hedges exceeding eight feet in height shall be permitted in the rear of the lots located at the north, south and east boundaries of the R-1 District. No hedge or fence shall be permitted any closer than five feet from the edge of the street and no hedge or fence over three feet shall be permitted any closer than 15 feet from the edge of the street; to assure continuity, this limitation will apply to both sides of a corner lot fronting on a street. No fence over six feet in height shall be permitted within the remaining boundary lines on a lot, and no hedge over eight feet in height shall be permitted within the remaining boundary lines on a lot.

B. Walls. No wall over four feet in height shall be permitted on any waterfront lot between the waterfront and the setback line nearest the waterfront. No wall over six feet in height shall be permitted on any lot except within the area in which a building may be constructed. No wall shall be erected atop a seawall.

No wall of any height shall be constructed on any lot until after the height, type and approximate location thereof have been approved in writing by the Committee. The heights or elevations mentioned herein shall be measured from the existing elevations of any adjacent property at or along the applicable points or lines. Any question as to such heights may be conclusively determined by the Committee.

C. ~~Seawalls. Any residence having an existing bulkhead or seawall bounding the Intracoastal Waterway, are hereby authorized to raise or cap existing seawalls to a height after improvement of five feet ten inches North American Vertical Datum of 1988 (NAVD88). No part of any existing bulkhead or seawall bounding the interior waters, shall be increased in height. The construction of new seawalls or bulkheads bordering on the interior waters of the seawalls existing as of the date of the passage of this section (March 9, 1994) are hereby deemed to be grandfathered within the provisions of this section of the Code. All residents having existing bulkheads or seawalls bordering on the interior waters within the village at the time of the passage of this section shall be afforded the opportunity to maintain and repair said bulkheads or seawalls. However, under no circumstances shall existing bulkheads or seawalls be increased in height, width, or length.~~

(1) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

- a. Mooring structure means a boat dock, slip, davit, hoist, lift, floating vessel platform, mooring pile, or similar structure attached to land or to a seawall, to which a vessel can be moored.
- b. North American Vertical Datum (NAVD88) means the vertical control for datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
- c. Public nuisance means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.
- d. Seawall means a vertical or near vertical (often interlocking) structure placed between an upland area and a waterway or waterbody for erosion control.
- e. Seawall cap means a concrete box structure (usually reinforced) that connects seawall panels, piles, and anchoring system (if present) together at the top.
- f. Shoreline means a tidally influenced area where land meets water.
- g. Substantial repair or substantial rehabilitation means:
 - (a) Any modification to the shoreline or a shoreline structure along more than fifty percent (50%) of the length of the property's shoreline; or
 - (b) Any modification, alteration, or installation of an appurtenant structure (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood barrier along the property's shoreline.
- h. Tidal flood barrier means any structure or shoreline feature including, but not limited to, seawalls, seawall caps, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way, and located within or along a tidally influenced area. This definition is not meant to include rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.
- i. Tidally influenced area means the real property adjacent to, or affected by, a waterway with water level changes in response to the daily tide.

- (2) Minimum elevations for coastal infrastructure within tidally influenced areas.
- a. All new or substantially repaired or substantially rehabilitated seawalls, seawall caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as tidal flood barriers. Tidal flood barriers shall have a minimum elevation of five (5) feet NAVD88. Applications for new or substantially repaired or substantially rehabilitated tidal flood barriers submitted prior to January 1, 2035, may be permitted a minimum elevation of four (4) feet NAVD88, if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88 by January 1, 2050.
 - b. All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or over the barrier and onto adjacent property or public right-of-way. Failure to maintain a tidal flood barrier in good repair shall be a code violation. The owner of the tidal flood barrier shall demonstrate progress towards repairing the subject violation within sixty (60) days after receiving a violation and shall complete repairs within three hundred sixty-five (365) days after receipt of the violation. If the required repair or rehabilitation meets the substantial repair or substantial rehabilitation threshold, no later than three hundred sixty-five (365) days after receipt of the citation, the property owner shall design, obtain permits, cause to be constructed, and obtain final inspection approval of seawall improvements that meet the minimum elevation and design requirements.
 - c. Tidal flood barriers below a minimum five (5) feet NAVD88 elevation shall be improved, designed, and constructed so as to prevent tidal waters from impacting adjacent property or public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a public nuisance and a citable code violation requiring abatement. The owner shall demonstrate progress toward addressing the citation concern within sixty (60) days after receipt of the citation and complete the construction of an approved remedy no later than three hundred sixty-five (365) days after receipt of the citation.
 - d. Tidal flood barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.
 - e. To the extent practicable, tidal flood barriers shall be designed and constructed to adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of tidal water.
 - f. All tidal flood barriers undergoing substantial repair or substantial rehabilitation shall be constructed along the property's entire shoreline. Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention.

F. Fences, Hedges, and Walls Abutting Interior Waters or Intracoastal Waterways. For purposes of this Code, the heights referenced herein shall be measured from the existing elevations of any adjacent property at or along the applicable points or lines as determined by the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length as per the required setbacks in

6.01.06, as may be amended, to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides.

Section 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be construed as eliminated and shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Codification of this Ordinance is hereby directed and authorized.

PASSED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA, ON
THE FIRST READING, THIS 25th DAY OF AUGUST, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES,
FLORIDA, ON THE SECOND AND FINAL READING, THIS 22nd DAY OF SEPTEMBER, 2021.

VILLAGE OF SEA RANCH LAKES, FLORIDA

BY: _____
MAYOR JEFFREY NELSON

BRYAN	<u>yes</u>
NEAL	<u>yes</u>
BRUENER	<u>yes</u>
HODGSON	<u>yes</u>
BARRY	<u>yes</u>
FULMER	<u>yes</u>
TOMLINSON	<u>yes</u>

ATTEST:

STARR PATON, VILLAGE CLERK