

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS;" ARTICLE V "ZONING;" SECTION 30-313 "GENERAL PROVISIONS" TO MODIFY REGULATIONS CONCERNING CHAIN LINK FENCES AND DELETE ZERO LOT LINE REGULATIONS CONCERNING MAXIMUM RESIDENTIAL PRIVACY FENCE AND WALL HEIGHT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Lauderdale-by-the-Sea (the "Town") Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission desires to update the Land Development Code to modify regulations concerning chain link fences and delete zero (0)-lot line regulations concerning maximum residential privacy fence and wall height requirements; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on June 5, 2019, and recommended the amendments be approved; and

WHEREAS, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

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SECTION 1. Recitals. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment. Chapter 30 “Unified Land Development Regulations;” Article V “Zoning;” Section 30-313 “General provisions” of the Town Code of Ordinances, is hereby amended as follows¹:

Sec. 30-313. - General provisions.

- (a) Drainage facilities.
- (b) Use of buildings.
- (c) Moving of buildings.
- (d) Fences, walls and hedges.

These general provisions shall govern development within the corporate limits of the Town, as follows:

- (a) *Drainage facilities.* All improved property, whether new construction or renovation or repair of present property, must provide adequate drainage facilities and drainage fields and all well and drainage locations must be shown on a site plan in accordance with all applicable regulations.
- (b) *Use of buildings.* No building or structure shall be erected on any lot for any purpose or use other than as applicable in said district. Non-use variances may be granted pursuant to section 30-127, Variance Procedures and Requirements of the Town Code.
- (c) *Moving of buildings.* A conditional use permit is required for structures being moved into the corporate limits of the Town or for structures being relocated from one location within the Town to another location within the Town.
- (d) *Fences, walls and hedges.*
 - (1) Height, design, and location of fences, walls, hedges.

- i. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in ~~RS-5, RD-10 and RM-25~~ residentially zoned property. Chain link fences are prohibited in any business zoning district. Notwithstanding the non-conforming use and structure

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

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regulations set forth in section 30-137 of the Town Code, non-conforming chain link fences shall be required to comply with the above regulations within a two (2) year time period commencing on July 23, 2019.

~~I. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight feet subject to building setback requirements of the residential zoning district where fence/walls are erected.~~

SECTION 3. Codification. This Ordinance shall be codified in accordance with the

foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this 9th day of July, 2019.

Passed and adopted on the second reading, this 27th day of August, 2019.

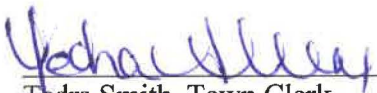

MAYOR CHRIS VINCENT

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	First Reading	Second Reading
95		
96	Yay	Yay
97	Yay	Yay
98	Yay	Yay
99	Abstain	Yay
100	Yay	Yay
101		
102		

103 ATTEST:

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106 _____


107 Tedra Smith, Town Clerk

108 Allen

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111 APPROVED AS TO FORM:

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113 _____

114 Susan L. Trevarthen, Town Attorney

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