

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING ARTICLE 45 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS, ENTITLED "SUPPLEMENTARY HEIGHT, BULK AND YARD REGULATIONS," SECTION 045-040 ENTITLED "FENCES, WALLS AND HEDGES" TO PROVIDE REGULATIONS AND HEIGHT LIMITATIONS FOR FENCES, WALLS, AND HEDGES ON RESIDENTIAL PROPERTIES ABUTTING A CANAL OR WATERWAY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 45, Section 045-040 of the Unified Land Development Regulations of the City of Wilton Manors regulates the location and height requirements for fences, walls, and hedges; and

WHEREAS, the City of Wilton Manors is known as "The Island City" and is surrounded by canals and waterways; and

WHEREAS, numerous residents and citizens reside adjacent to these waterways for reasons which include a water view; and

WHEREAS, the City Commission of the City of Wilton Manors has determined that it is in the best interest of the City's residents and citizens to preserve the benefits and expectations of those living on waterfront property by enacting regulations limiting the location and height of fences, walls, and hedges located within rear or sideyards on residential property abutting the canals and waterways of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. Article 45, entitled "Supplementary Height, Bulk and Yard Regulations". Section 045-040, entitled "Fences, walls and hedges" of the City of Wilton Manors Unified Land Development Regulations, thereof, be, and the same is hereby amended to read as follows:

Sec. 045-040 Fences, walls and hedges.

(A) Location and height requirements for fences, walls, and hedges. Fences and walls constructed or hedges planted within required yards shall not exceed the specified height provided herein, and where there are no required yards for a given district and use, the height limits herein shall be absolute.

...

(C) Residential zoning or use:

(1) Fences and walls: six (6) feet, except as provided in number 3 and 5 below.

(2) Hedges: no height limit except as provided in number 3 4 and 5, below.

(3) Fences and walls may be erected to eight (8) feet in height along interior property lines abutting commercial or industrial zoning or uses.

(4) Hedges shall be regularly trimmed and maintained by the property owner such that the hedge causes no property damage to abutting properties and does not present a public

safety hazard. Maintenance shall include removal of low-hanging branches next to sidewalks and walkways and removal of root systems which are likely to destroy public or private property.

(5) Walls, fences, and hedges in rear or sideyards abutting a canal or waterway.

(a) Sight visibility triangle. Along all residential property abutting a canal or waterway, a sight visibility triangle shall be provided. The sight visibility triangle shall be the area formed by the intersection of a dry or side property line with the rear property line abutting the canal or waterway, with such two sides of the triangle being equal in length to the required rear setback for the principal residential structure on the property and the third side being a line connecting the ends of the two other sides. This sight triangle shall provide unobstructed visibility at a level measured three (3) feet in height above finished grade.

(b) See-through fences. Notwithstanding the provisions of subsection (a) above, chainlink fences which are ninety (90%) see-through and picket fences and the like with spindles no thicker than one and one-half (1 1/2) inches by one and one-half (1 1/2) inches with a clear separation between spindles of at least four (4) inches may be erected to a height not in excess of four (4) feet above finished grade.

(c) Consent of adjacent property owners. Notwithstanding the provisions of subsections (a) and (b) above, at the time of application for building permit for fences and walls and at anytime for hedges, the applicant for a visibility obstruction as provided in this section may submit to the city the written consent of those property owner(s) owning real property immediately adjacent to the proposed fence, wall, or hedge. The written consent shall

specify the type of construction or planting and the consented to height of the fence, wall, or hedge, and shall be in a form acceptable to the city and which is recordable in the public records of Broward County, Florida. Nothing herein shall be construed to permit the height of the fence, wall, or hedge to exceed those heights set forth in subsections (C)(1)-(4).

(D) Commercial zoning or use:

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Section 3. All Ordinances or parts of Ordinances in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 4. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Regulations, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. 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 6. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA ON FIRST READING THIS ____ DAY OF JUNE, 2004.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA ON SECOND AND FINAL READING THIS ____ DAY OF JUNE, 2004.

CITY OF
WILTON MANORS, FLORIDA

ATTEST:
By: _____

SCOTT
NEWTON, MAYOR

ANGELA D. SCOTT, CMC/AAE
CITY CLERK

I HEREBY CERTIFY that I

have approved the form

of this Ordinance.

KERRY L. EZROL

CITY ATTORNEY