

ORDINANCE NO. 2024-008

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10, "DEFINITION OF TERMS," SECTION 010-030, "TERMS DEFINED," ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS," AND ARTICLE 55, "MANUFACTURING AND INDUSTRIAL DISTRICT," SECTION 55-030, "GENERAL PROVISIONS," PERTAINING TO THE MEASUREMENT OF HEIGHT, AND PARTICULARLY THE HEIGHT OF FENCES, WALLS, HEDGES, AND STRUCTURES OTHER THAN BUILDINGS AND SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to ensure that method for determining the height of fences and walls takes into account the elevations of adjacent rights-of-way and properties; and

WHEREAS, after holding a duly noticed public hearing on August 8, 2024, the Local Planning Agency found the proposed amendments to be consistent with the adopted Town of Southwest Ranches Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Article 010, "Definition of Terms," Section 010-030, "Terms Defined," is hereby amended as follows:

Grade, established or grade, finished. The term "established grade" or "finished grade" means the elevation of land above mean sea level (~~NVGD 1929~~ NAVD 88), in its final, graded condition.

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Hedge. The term, "hedge," shall have the meaning ascribed to it in sec. 075-020.

Height. The term, "height," means as follows:

- 1) For all buildings and roofed structures, ~~except as provided below~~, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs, ~~and to the highest point of any nonroofed structure~~, provided that any portion of the finished grade exceeding ~~ten (10)~~ 8.5 feet ~~NVGD NAVD 88~~ shall be included in the height calculation.
- 2) For signs, as height is defined within article 70, "Sign Regulations."
- 3) For fences, freestanding walls, retaining walls, all other structures, hedges and berms, other than buildings and signs, height shall be the vertical distance from the lowest finished grade below abutting the structure, hedge or berm to the highest point of the structure, hedge or berm; provided that:
 - a. The the height calculation of structures, hedges and berms placed within any required yard abutting a public or private street right-of-way on a berm shall be measured from the include the height of the berm: average finished grade of the abutting public or private right-of-way line. Where a street is not contained within a public or private right-of-way, height shall be measured from the average elevation of the closest edge of street pavement between the side lot lines.
 - b. The height of structures, hedges and berms placed within any required yard abutting a canal shall be measured from the average finished grade at the public or private right-of-way line of the canal between the lot lines, except as follows:

When spoil from canal dredging has been deposited primarily on one side of a canal, as determined by the town engineer, height shall be measured from the average finished grade at the lower of the opposing right-of-way lines.
 - c. The height measurement of any structure or hedge placed on a berm, or placed on property elevated by a retaining wall, shall include the height of the berm or retaining wall. Berms height shall be the vertical distance from the height of the crown of the adjacent street to the top of the berm.

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Shrub. The term, "shrub," shall have the meaning ascribed to it in sec. 075-020.

Section 3. Article 045, "Agricultural and Rural Districts," Section 045-030, "General Provisions" is hereby amended as follows:

(A) *Fences, walls and hedges.* Fences and walls, not including entrance features, shall be permitted to a maximum height of eight (8) feet ~~above the established grade~~ within any required yard, and in any location on a residential or agricultural plot; provided that a fence enclosing a tennis court or other customary enclosure may be higher if located outside of a required yard. Fences on farms shall be governed by F.S. ch. 588. Hedges are not limited as to maximum height.

Section 4. Article 055, "M Manufacturing and Industrial District," Section 055-030, "General Provisions" is hereby amended as follows:

(F) *Fences, walls and hedges.* Maximum height of fences and walls is ten (10) feet, except for penal institutions or detention facilities, which shall not be subject to a maximum fence or wall height limitation.

* * *

(5) Hedges are not limited as to maximum height.

Section 5. Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 6. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7. Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this 8th day of August, 2024 on a motion made by Council Member Allbritton and seconded by Vice Mayor Kuczenski.

PASSED AND ADOPTED ON SECOND READING this 22nd day of August, 2024, on a motion made by Chm Jablonski and seconded by Vm Kuczenski.

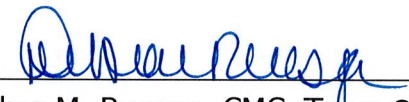
Breitkreuz	<u>Yes</u>
Kuczenski	<u>Yes</u>
Allbritton	<u>Yes</u>
Hartmann	<u>Yes</u>
Jablonski	<u>Yes</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Steve Breitkreuz, Mayor

ATTEST:



Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney
1001.046.2024

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