

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Monroe D. Kiar, Town Attorney
(954) 584-9770

SUBJECT: Ordinance

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-33(O)(10) TO ADD SUBSECTION CONCERNING LONG LAKES ESTATES AS CONCERNS FENCES FOR PROPERTIES CONTIGUOUS TO CANALS OR CONTIGUOUS TO THE BRIDAL PATH; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Town Council at its meeting of August 7, 2002, directed the Town Attorney's Office to prepare an amendment to Section 12-33(O)(10) to add a subsection concerning Long Lakes Estates as it concerns fences for properties contiguous to canals or contiguous to the bridal path, for the Town Council Meeting of August 21, 2002. The proposed Ordinance is attached.

PREVIOUS ACTIONS:

N/A

CONCURRENCES: N/A

FISCAL IMPACT: None

RECOMMENDATIONS: The Town Attorney finds the attached Ordinance complete and suitable for transmittal to Town Council for further consideration.

ATTACHMENTS: Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-33(O)(10) TO ADD SUBSECTION CONCERNING LONG LAKES ESTATES AS CONCERNS FENCES FOR PROPERTIES CONTIGUOUS TO CANALS OR CONTIGUOUS TO THE BRIDAL PATH; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie, Florida, finds and determines it is in the best interests of the Town of Davie to amend the Land Development Code by amending Section 12-33(O)(10) to add a subsection concerning Long Lakes Estates as concerns fences for properties contiguous to canals or contiguous to the bridal path; and

WHEREAS, the Town Council of the Town of Davie is going through the issue of fences in “E” Zoned Districts at this time on a case-by-case basis; and

WHEREAS, the situation in Long Lakes Estates as presented by its site plan, the overwhelming desire of the residents of that subdivision for the fence policy for Long Lakes Estates be amended as presented in this Ordinance, the change of the homeowner association documents which are consistent with the provisions of this subsection, the fact that open space being referenced in this Ordinance is not accessible to the public, and the overall equities and fairness of the situation, are such that the peculiar and unique characteristics of Long Lakes Estates, this change is in the best interests of Long Lakes Estates and the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA.

SECTION 1. Amend §12-33(O)(10) to add the following subsection:

(a) Long Lakes Estates. As to any other fences desired by a property owner whose property is contiguous to the bridal path or a canal, the Town may issue a fencing permit to that property owner to the bridal path or to the canal, respectively, which lot is above the minimum size required and has within the lot excess lot area which is considered open space provided the fence has unlocked latch gated access to the open space on two sides through the lot. Any owner must submit an approval from the Long Lakes Estates Homeowners' Association with an application for a fencing permit under this subsection. Nothing in this subsection diminishes a property owner's obligation to fully comply with Chapter 515, Florida Statutes.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING this _____ day of _____, 2002.

PASSED ON SECOND READING this _____ day of _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ day of _____, 2002.