

ORDINANCE 2010-XX

1 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
2 THE-SEA, FLORIDA, AMENDING SECTION 6-42
3 "MAINTENANCE OF SITES UNDER DEVELOPMENT," OF
4 THE CODE OF ORDINANCES TO AMEND PERIMETER
5 FENCING REQUIREMENTS AND TO PROVIDE FOR SITE
6 RESTORATION FOR INACTIVE OR ABANDONED
7 CONSTRUCTION PROJECTS; PROVIDING FOR
8 SEVERABILITY; PROVIDING FOR CODIFICATION; AND
9 PROVIDING FOR AN EFFECTIVE DATE.

10
11 WHEREAS, Chapter 6 of the Code of Ordinances regulates buildings, maintenance of
12 properties, and work in public rights-of-way; and

13 WHEREAS, the Town Commission has determined that it is in the best interest of the
14 Town to amend Section 6-42 of the Code of Ordinances to provide for perimeter fencing
15 requirements and site restoration for inactive or abandoned construction projects; and

16 WHEREAS, the Town Commission hereby finds and declares that adoption of this
17 Ordinance is necessary, appropriate, and advances the public interest.

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

20 SECTION 1. The preceding "Whereas" clauses are ratified and incorporated as the
21 legislative intent of this Ordinance.

22 SECTION 2. Section 6-42 of the Code of Ordinances is amended as follows¹:

23 **Sec. 6-42. Maintenance of sites ~~under development.~~**

24 The following minimum site maintenance standards apply to all projects properties under
25 development in the Town ~~which require a site plan~~:

- 26
27 (1) Sites requiring demolition. ~~If a building is to be demolished or the an~~
28 approved development site plan requires the demolition of any structures on the
29 property, the structures shall be demolished within 45 days of ~~site plan the~~
30 approval or permit, or, if there is a legal use being conducted in the structures,
31 within 45 days of discontinuance of the use. If new construction has not
32 commenced within 90 days after demolition, all vacant property shall be seeded

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

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33 or sodded with grass. The grass shall be irrigated and trimmed as necessary to
34 keep it alive and maintained under six (6) inches in height.
35

36 ~~(2) If construction of the approved project will not commence within 60 days of~~
37 ~~approval of the site plan, a perimeter security fence shall be erected around the~~
38 ~~entire project. The fence shall be erected within 30 days of site plan approval if no~~
39 ~~building demolition is required or within 30 days of demolition when demolition~~
40 ~~is required.~~

41
42 ~~(3) Fencing. Prior to the commencement of any construction, a perimeter~~
43 ~~security fence shall be required on all sides of a construction site. The perimeter~~
44 ~~security fence shall include wind screen material sufficient to visually block view~~
45 ~~of the site and control dust. The perimeter fence shall be maintained on all sides~~
46 ~~of the site, in good condition until such time as the project is completed unless~~
47 ~~sub-section (3) applies. Portions of the perimeter fence may be removed daily~~
48 ~~once construction has begun, to allow construction access to the property, but~~
49 ~~must be replaced at the end of each day. The perimeter security fencing~~
50 ~~requirement may be waived by the Development Services Director for~~
51 ~~construction of minor building remodeling or additions impacting less than~~
52 ~~twenty-five percent (25%) of the property.~~

53
54 ~~(3) Inactive projects. If the construction project becomes inactive, activities have~~
55 ~~ceased, permits have expired, or the project is abandoned after construction has~~
56 ~~begun for a period of six (6) months, or when the Commission finds, following a~~
57 ~~public hearing, that the use of a security fence will cause visual blight or have a~~
58 ~~detrimental aesthetic effect on the neighborhood, the perimeter security fence~~
59 ~~shall be removed and the lot cleared, seeded or sodded with grass, and irrigated at~~
60 ~~the property owner's expense. Incomplete or unfinished buildings shall be~~
61 ~~secured as determined by the Town Building Official, or removed if classified by~~
62 ~~the Town Building Official as an unsafe structure, at the property owner's~~
63 ~~expense.~~

64
65 ~~(4) If construction of the project is not commenced within 90 days, all vacant~~
66 ~~property shall be seeded or sodded with grass. The grass shall be irrigated and~~
67 ~~trimmed as necessary to keep it alive and maintained under four inches in height.~~

68
69 ~~(5) If a project is located in an overlay district, the Town Commission may~~
70 ~~require a developer to sod or seed with grass vacant property in lieu of a security~~
71 ~~fence when the Commission finds, following a public hearing, the use of a~~
72 ~~security fence causes visual blight or has a detrimental aesthetic effect on the~~
73 ~~neighborhood. When the Commission makes such a finding, it shall fix the time~~
74 ~~that the property shall be sodded or seeded with grass and for the security fence to~~
75 ~~be removed.~~

76
77 ~~(4) Extensions. When there are extenuating circumstances which prohibit~~
78 ~~compliance with the time periods set forth above, the property owner may file a~~

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request for an extension of time for compliance with this Section with the Development Services Director. The applicant must outline the extenuating circumstances in detail and provide photos of the site, as it exists on the date of submission of the request. The Town Commission shall review the request for such extension at a public hearing.

(5) Penalties. The penalties for violations of this Section shall be pursuant to Florida Local Government Code Enforcement Boards Act, as set forth in Florida Statutes Section 162.09, as amended from time to time, and the minimum penalties shall be as follows:

(1) First violation . . . \$250.00.

(2) Second violation within 12 months of adjudication of first violation . . . \$500.00.

SECTION 4. Severability. If any section, sentence, clause or phrase of this Ordinance is

held to be invalid or unconditional 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. Codification. This Ordinance shall be codified.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon

adoption on second reading.

SECTION 7. Adoption.

Passed on the first reading, this ___ day of _____, 2010.

Passed and adopted on the second reading, this ___ day of _____, 2010.

Mayor Roseann Minnet

Attest:

Town Clerk, June White
(CORPORATE SEAL)

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116 Approved as to form:

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Susan L. Trevarthen, Town Attorney