

ORDINANCE NO. O-2-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT SECTION II. DEFINITIONS. TO ADD DEFINITIONS FOR THE TERMS FENCE, CHAIN-LINK FENCE, STOCKADE FENCE AND WALL; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING ORDINANCE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Town regulations currently include a section governing walls, fences and hedges within the Town; and

WHEREAS, Town regulations currently include a definition for hedge but not fence or wall; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to define the terms fence, chain-link fence, stockade fence, and wall with the Town Zoning Ordinance; and

WHEREAS, the Town Commission has determined that such amendments to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: APPENDIX A. ZONING ORDINANCE. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at SECTION II. DEFINITIONS. to add definitions for the terms fence, chain-link fence, stockade fence, and wall; providing that new sections, appropriately numbered as Pf. 2.22.1, Pf. 2.22.2, Pf. 2.22.3, and Pf. 2.37.1, shall be inserted alphabetically within SECTION II. DEFINITIONS as follows:

SECTION II. - DEFINITIONS

Pf. 2.22.1 - Fence.

Any artificially constructed barrier of any material or combination of materials constructed along the full length of any or all property line(s), or within the property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view or access. Hedges, plants, shrubs or foliage shall not constitute a fence under this definition. Any such barrier made of concrete block, masonry or similar material is considered to be a wall; see definition Pf. 2.37.1 below.

Pf. 2.22.2 – Fence, chain-link.

An open mesh fence made entirely of wire woven in squares with vertical supports.

Pf. 2.22.3 – Fence, stockade.

A fence constructed of vertical wood strips or material similar in appearance.

Pf. 2.37.1 - Wall.

A vertical structure made of concrete block, masonry or other similar material which may or may not have a foundation and may or may not be stuccoed and painted and which forms a physical barrier.

Section 2: Each and every other section and subsection of APPENDIX A. ZONING ORDINANCE. SECTION II. DEFINITIONS. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

Section 3: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4: Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 5: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 16th day of July 2018.

SECOND AND FINAL READING this 20th day of August 2018.

ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

Approved as to form and legal sufficiency.


Keith Davis, Town Attorney

(Seal)

