

ORDINANCE NO. __22-3__

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 23, ARTICLE V OF THE CITY'S CODE OF ORDINANCES, ENTITLED "SUPPLEMENTARY REGULATIONS;" BY SPECIFICALLY AMENDING SECTION 23-90, ENTITLED "FENCES, WALLS AND HEDGES;" PROVIDING FOR THE REGULATION OF CERTAIN FENCE MATERIALS TO PROHIBIT WINDSCREENS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cooper City (the "City") seeks to regulate the use of certain fence materials to prohibit windscreens within the City; and

WHEREAS, the City Commission recognizes the potential need to utilize windscreens at certain recreational facilities, including tennis and pickleball courts, and seeks to provide an exception to the windscreen prohibition for such facilities; and

WHEREAS, the City Commission finds that regulating certain fence materials, as set forth herein, will enhance the community and neighborhood aesthetic of the City; and

WHEREAS, in accordance with state law, the City has conducted a public hearing and considered public input; and

WHEREAS, the City Commission finds that amending the City Code to regulate the use of certain fence materials to prohibit windscreens within the City is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amended. That Article V, entitled "Supplementary Regulations," of Chapter 23, entitled "Zoning Districts," of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Section 23-90, entitled "Fences, Walls and Hedges" as follows:

Section 23-90 Fences, walls and hedges.

(a) *Applicability:* All fences, walls and hedges shall be regulated by the provisions contained in this section.

...

(c) *Materials:* All fences and walls shall be constructed of materials appropriate to their purpose and location. Treated wood, concrete/masonry, chain link, or similar materials as approved by the building department are permitted. Provided, however, that barbed wire, oriented in toward the property on which the fence is located, shall be permitted in U-1 (utility) district, CS (community services) district, and on any other municipally-owned property, regardless of the zoning district designation, such fence to be shielded by hedge material and/or landscaping; and further providing that barbed wire shall not be installed on fences of less than eight (8) feet in height nor on fences surrounding swimming pools. Applicants are encouraged to use recycled plastic and/or other attractive, non-deteriorating materials. All walls shall have, at minimum, a "drip edge" detail at the top of the wall to prevent water damage. Cloth, fabric, canvass, silt screens, mesh, or other such material shall not be attached to a fence or windscreen unless otherwise required by law; however, such materials may be used at government-owned facilities and recreational facilities in the City, subject to the approval of the chief building official. The chief building official or his designee shall make all final decisions as to the design and materials for fences or walls.

(1) Rear or side yard concrete masonry walls on double frontage residential lots shall be maintained by the property owner, as specified herein.

a. The property owner shall maintain said wall in a clean condition, free from cracks greater than 1/16 of an inch in width, graffiti, peeling paint and missing materials.

b. When repainting is needed, the wall shall be repainted with "Sherwin Williams Creamy White" (No. SW2445) and the trim shall be repainted with "Glidden The Hunt" (No. 03884), or a product identical in color, shade and hue.

SECTION 3. Conflict. 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 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,

such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. Codification. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 6. Effective Date. This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED on First Reading this 22nd **day of** March, 2022.

PASSED AND FINAL ADOPTION on Second Reading this 12th **day of** April, 2022.

GREG ROSS
Mayor

ATTEST:

Tedra Allen
TEDRA ALLEN, CMC

Approved As To Legal Form:

Jacob G. Horowitz
JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross
Commissioner Green
Commissioner Meltzer
Commissioner Pulcini
Commissioner Shrouder

yes
yes
yes
yes
yes