

ORDINANCE 2018 – 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, AMENDING CHAPTER 102, SECTION 102-534 OF THE LAND DEVELOPMENT CODE OF THE CITY OF MINNEOLA; PROVIDING REGULATIONS ON THE PLACEMENT, COMPOSITION, REPLACEMENT CONDITIONS, AND COLORATION OF FENCES, WALLS, AND HEDGES IN THE RSF-1, RSF-2, RSF-3, RMF-1, RMF-2, AND OR DISTRICTS WITHIN THE CITY; PROVIDING FOR CODIFICATION; PROVIDING A PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, fences, walls, and hedges may provide obstacles to pedestrian traffic if placed too close to sidewalks, and

WHEREAS, it is necessary to provide a buffer area around fire hydrants and fire hose connections to ensure immediate, unimpeded access in case of emergency, and

WHEREAS, the City Council of the City of Minneola finds it in the interest of preserving property value and maintaining the cultivated aesthetic of the city to require fences and walls to comply with certain reasonable requirements, and

WHEREAS, the City Council of the City of Minneola wishes to pass this ordinance to revise Section 102-534 of the Land Development Code of the City of Minneola

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA:

Section 1. Chapter 102, Section 102-534 of the Code of Ordinances of the City of Minneola is hereby amended to read as follows, with all additions underlined:

Sec. 102-534 - Residential districts.

The following provisions shall apply to fences and walls in the residential districts RSF-1, RSF-2, RSF-3, RMF-1, RMF-2, and OR of the city:

(1) *Walls, fences, hedges, generally* All walls, fences or hedges hereafter located, grown, erected, constructed, reconstructed or altered outside the building lines of property situated in the city shall not be over four feet in height from the front line of the main building to the front platted lot line, and not more than six feet in height from the front line of the main building to the rear easement or property line. Provided however that no wall, fence or hedge shall be located, grown or placed within six feet of the front boundary line of the parcel upon which the

fence, wall, or hedge is placed The property owner is responsible for ensuring that any fence, wall, or hedge is placed on the owner's property. The city is not responsible for locating property lines. Where any fence, wall, or hedge is to be installed near a sidewalk, the fence, wall, or hedge shall be placed at least twelve inches from the edge of the sidewalk. Any area within a three foot radius from a fire hydrant or fire hose connection must be kept free of any fencing, walls, or hedges which could impede access to or use of the hydrant or hose connection. Fences, walls and hedges placed on lots with curvilinear property lines shall be constructed so as to follow the property lines as closely as possible. Any fence or wall enclosing a swimming pool shall not be more than six feet in height.

(2) Walls, fences, hedges—On corner lots

a All corner lots shall have two front lines which shall be adjacent to and coterminous with the edge of the right-of-way of the streets adjoining the corner lot and two front building lines parallel to the two front lot lines.

b Where a wall, fence, or hedge is erected or grown on a corner lot, it shall not exceed four feet in height where it is parallel to, and adjoining, any public street or highway.

c Where a wall, fence, or hedge is erected or grown on a corner lot, it shall not exceed six feet in height where it is located along any side of a corner lot that does not abut the lot's primary frontage street and where it is not parallel to any public street or highway. For purposes of this provision, a lot's primary frontage street is the street that is used as the basis for assigning the property a street address.

d. In no event shall any wall, fence, or hedge be grown or erected within 25 feet of the corner of an intersecting street which would obstruct the view around such corner.

(3) Wire fences Barbed wire and/or razor wire for fence purposes is excluded from all zoning districts other than business and/or industrial districts as set forth in this article.

(4) Appearance of fences

a. All bracing for a fence, including cross bars and nailer strips, shall be on the installer's side of the fence.

b. Fences shall not be constructed of cloth, plastic sheeting, roofing panels or other similar material. Any question concerning a noncustomary fencing material shall be resolved by the city manager.

c. PVC (Polyvinyl chloride) or vinyl fencing is allowed.

d. All fencing materials shall be of the same composition and be complementary to the posts on the same property line.

e. All fences shall be kept in good repair and shall not be allowed to deteriorate to an unsound or unsightly condition. Repairs shall be made with materials that match the style of the fence line where repairs are required.

(5) Trash, garbage dumpsters All trash and garbage dumpsters shall be screened by solid walls or fences at least six feet in height with access from the public ways only through solid gates which shall remain closed and latched when not in use.

(6) Retaining walls Retaining walls are defined as walls built to retain or support the lateral pressure of earth or water or other superimposed loads. Such walls shall be designed and constructed of masonry, steel, sheet piling or other approved materials.

a. Retaining walls shall be designed and constructed in accordance with all applicable Florida Building Codes. No retaining wall may be constructed without first obtaining a zoning and building permit. The city building official may, within his or her reasonable discretion, require drawings signed and sealed by an engineer authorized to practice in Florida showing the location of the wall on the parcel(s) and construction specifications for the wall. In determining whether to require such drawings and construction specifications, the city building official shall consider the following.

- i. Existing soil condition,
- ii Proximity to structures;
- iii. Proposed distance between steps in the wall,
- iv Grading of parcel,
- v Drainage issues,
- vi. Any other factor deemed pertinent by the city's building official.

b All masonry or concrete retaining walls shall have a painted stucco finish

c Exemptions. Landscape features with an overall maximum height of 24 inches shall be exempt from the permit requirements set forth in subsection (6)a herein For the purposes of this subsection (6)c herein, a landscape feature that contains a tiered system shall not be exempt from the permit requirements set forth in subsection (6)a herein

(7) Removal The city shall, after proper notice is given to property owner, remove any fences, walls, and/or landscaping placed within drainage easements at the property owner's expense if, in the course of performing maintenance and/or repair duties, city deems it is necessary to do so

Section 2 All ordinances in conflict with the provisions of this ordinance are hereby repealed


Section 3. Any fence, wall, or hedge erected after the passing of this Ordinance must comply with the provisions of this Ordinance. Any pre-existing fence, wall, or hedge must be replaced or brought into compliance within a period of seven (7) years from the date of this Ordinance. In the event that a fence, wall, or hedge is destroyed by fifty percent (50%) or greater, any repair or replacement performed thereon shall comply with the terms of this Ordinance

Section 4. This Ordinance shall become effective immediately upon passing

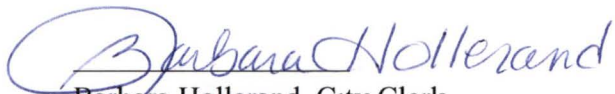
Section 5 The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Minneola, Florida, and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

Section 6. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

PASSED AND ORDAINED this 6th day of March,
2018, by the City Council of the City of Minneola, Florida


Pat Kelley, City Mayor

ATTEST

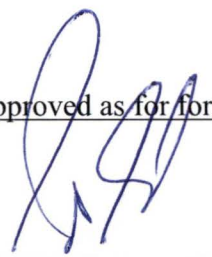

Barbara Hollerand, City Clerk



Passed First Reading: 2/20/18

Passed Second Reading: 3/6/18

Approved as for form


Scott A. Gerken, City Attorney