

ORDINANCE NO. 2023 - 01

AN ORDINANCE OF THE CITY OF MONTICELLO, FLORIDA, AMENDING SECTION 54-4, 54-192, and 54-193 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, FLORIDA; CLARIFYING THE DEFINITIONS FOR ACCESSORY STRUCTURES AND ADDING A DEFINITION FOR ACCESSORY DWELLING UNITS; PROVIDING FOR ACCESSORY STRUCTURE ALLOWANCES, AMENDING REGULATIONS REGARDING FENCES AND WALLS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Local Planning Agency has recognized the need for clarification of definitions of accessory structures and accessory dwelling units; and

WHEREAS, the City Local Planning Agency has recognized the need to amend the allowances and regulations for accessory uses ; and

WHEREAS, the City Council has adopted the recommendations of the City Local Planning Agency and has determined to revise provisions of the Land Development Regulations to incorporate those recommendations into the City Code and to ensure consistency in the building permit review process;

NOW, THEREFORE, in keeping with the requirements of the Code of Ordinances of the City of Monticello, Florida, it is hereby ordained and decreed:

Section 1. That section 54-4 of the Code of Ordinances of the City of Monticello, Florida is amended by revising the definitions of Accessory Structure and adding a definition for Accessory Dwelling Unit (ADU), which revision and addition shall read as follows:

Sec. 54-4 Definitions and rules of construction

Accessory Structure means a structure or facility subordinate to the principal use or building on the same lot and serving a purpose customarily incidental to the use of the principal building, provided that any such structure or facility is built with or after the

construction of the principal building and contains no living quarters. Accessory structures include detached garages, sheds, and private recreational facilities.

Accessory Dwelling Unit (ADU) means a structure which is intended as a residential living unit with an independent means of ingress and egress on the same parcel of land as the principal dwelling unit it accompanies which may be attached to a single-family dwelling unit by a breezeway or is located in a detached structure and which provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, sanitation and parking.

Section 2. That section 54-192 of the Code of Ordinances of the City of Monticello, Florida, is hereby amended by deletion of the existing language to be replaced by the following:

Sec. 54-192 Regulations for Accessory Uses

- a) Accessory structures shall be clearly supplementary and incidental to the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate. On lots containing residential units, no more than one roofed accessory structure readily visible from the street on which the house fronts shall be located on a lot.
- (b) No accessory structure shall be constructed, placed, erected or built before the construction of the main building.
- (c) Where an accessory building is used for garage purposes, it shall be used solely by the occupants of the premises, and shall not be used for more than one commercial vehicle (1½ tons maximum capacity).
- (d) *Private recreational facilities.* Swimming pools, tennis courts, screen enclosures and similar facilities of a recreational nature shall conform to all side, rear and corner yard setbacks.
- (e) Regulations relating to fences and walls are contained in Sec. 54-193.

Section 3. That section 54-193 of the Code of Ordinances of the City of Monticello, Florida, is hereby amended by deletion of the existing language to be replaced by the following:

Section 54-193 Garden walls, fences and hedges

(a) *Generally.*

- (1) Fences and walls, except silt or erosion-controlling types, shall not be constructed, erected, or installed on a lot unless the primary allowed use/facility has been established.
- (2) Temporary construction fences shall not be allowed on residentially-zoned properties longer than 25 calendar days after issuance of a certificate of occupancy. The City Manager may allow a longer time upon written request.

(b) *Material and Opacity*

- (1) Fences and walls must be constructed of wood, plastic, vinyl, metal, brick, masonry or other materials designed for permanent outdoor fencing. Concrete and concrete block walls shall be finished with a painted stucco finish. No fence or wall may be constructed of plywood, razor wire, or other materials intended for other purposes. The posts of each fence must be resistant to decay, corrosion and termite infestation. Wood fence posts shall be installed in accordance with the Florida Building Code.
- (2) Barbed wire, chicken wire, razor wire, wire used for livestock, spire tip, sharp objects, or electrically charged fences shall be prohibited in any residential zoning district.
- (3) Fences and walls shall be constructed so that the exposed framing, stringers and posts which support each section shall face the interior yard of the lot on which the fence or wall is being placed, regardless of whether another fence already exists.
- (4) Fences within a front yard shall be no more than 50 percent opaque, allowing for the passage of light directly through the fence, except that on corner lots, fences behind the front face of the principal structure may be up to six feet tall and solid.

(c) *Location*

- (1) If a fence is offset from the property line, provisions shall be made to prevent vegetation from growing between any existing fence on an adjacent property and the new fence.

(2) No fence, wall, hedge, landscaping or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2.5 feet and six feet above the centerline grades of intersecting streets.

(3) Fences or walls shall not encroach:

a. Into or over any public right-of-way or easement. The City Manager may authorize such fence only if it is determined that it would not interfere with the intended purpose and function of the easement or with any utilities. In such cases, the City or other companies duly authorized to install lines or equipment within such easement shall not be held liable for damages to the fence if the work within the easement would require removal of sections or the entire fence. The applicant shall be responsible for calling the affected utilities for line locations (ex. Sunshine State 811) before constructing a fence or wall on any easement whether public or private;

b. Into natural water bodies, wetlands, wetland buffers, and artificially created waterways.

(d) *Height.*

(1) Generally. Height limits apply within the yard regardless of the physical connection of the fence or wall to the principal structure.

The height of fences, walls and hedges is measured from the adjacent finished grade. Berms used in conjunction with fences or walls shall be considered as included in the height restriction for such structures. Where significant elevation differences exist between two adjacent properties, the height may be increased by the average difference in elevation between the two sides, measured from the finished grade up to five feet away on either side. The height may be similarly increased where significant elevation exists along a given property line. The additional height increase in both situations shall be limited to a maximum of two feet.

Decorative appurtenant elements shall be allowed to exceed the maximum fence/wall height as follows:

Column or post caps: up to an additional twelve inches above the body of fence. Caps may include masonry capitals, sculpture, finials and the like.

Caps on corner columns or posts and those supporting an entry gate to the property: up to an additional one-fourth of the maximum fence wall height. Caps may include masonry capitals, sculpture, finials and the like, as well as decorative lamps provided they do not create glare onto adjacent properties or public rights-of-way.

Archways, arbors and trellises physically attached to the fence/wall to create a pedestrian entry to the property from the street: up to a total maximum height of eight feet above the adjacent finished grade, and a maximum depth of five feet into the property from the property line.

- (2) Fences or walls located in side and rear yard setback areas in residential zones shall not exceed six feet in height. There is no height limitation on a hedge in the rear or side yard.
- (3) Fences, hedges or walls placed forward of the front line of the house in any residential district may not exceed 48 inches in height. Fences and walls in commercial or industrial zones shall not exceed ten feet in height.

Section 5. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. It is the intention of the City Council of the City of Monticello that the provisions of this Ordinance shall become and be made a part of the City of Monticello Code of Ordinances, and that sections of this Ordinance may be numbered or re-lettered, and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered, and the correction of typographical errors which do not affect the intent may be authorized by the City Clerk, without need of public hearing, by filing a corrected or recodified copy of same, in the official records of the City.

Section 7. This Ordinance shall become effective as provided by law.

PASSED AND APPROVED IN OPEN SESSION ON THE 3rd DAY OF
January, 2023.

Julie S. Conley
MAYOR

ATTEST:

Emily Anderson
EMILY ANDERSON
CITY CLERK/TREASURER

APPROVED AS TO FORM:

Bruce A. Leinback
BRUCE A. LEINBACK
CITY ATTORNEY