

ORDINANCE 2017-06-568

AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA, AMENDING SECTIONS 3.20 AND 5.12 OF THE LAND DEVELOPMENT CODE TO PROVIDING CLARIFICATION REGARDING CHAIN LINK FENCES WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Mascotte finds it to be in the best interests of its citizens to clarify its Land Development Code regarding regulations governing fences, and, in particular, chain link fences.

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

SECTION 1. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Mascotte.

SECTION 2. Section 3.20 of Article III, "Zoning," of the Land Development Code is hereby amended as follows:

Section 3.20. - Nonconformance.

...

- G) *Nonconforming Structures:* Where a lawful permitted structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the provisions of this subsection. The provisions in this subsection, and in subsection K) of this section 3.20 regarding abandonment or discontinuance of nonconforming structures, shall not apply to nonconforming fences, such as chain link fences. Fences made nonconforming by amendments to this Code may continue until such fences are replaced; provided, however, that: ~~(i) perimeter fencing must be constructed of the same material; and (ii) the length of nonconforming fences may not be extended.~~

SECTION 3. Section 5.12 of Article V, "Development and Design Standards," of the Land Development Code is hereby amended as follows:

Section 5.12. - Fencing Standards.

A) *Fences, walls and hedges.*

- 1) *Plans, specifications and fence permits.* Plans showing the proposed location of any perimeter fence or wall proposed to be erected and specifications for the type of construction shall be submitted to the City for review, compliance approval and issuance of a building permit prior to commencement of construction. No perimeter

fence or wall shall be constructed or erected except in compliance with these fence regulations and no permit for the construction of any perimeter fence or wall shall be issued unless the plans and specifications comply with these fence regulations. The city council may by resolution establish the amount to be paid by an applicant for compliance review of plans and specifications for perimeter fences and walls, issuance of building permits for the construction or erection of perimeter fences and walls, and compliance inspection and approval of perimeter fences and walls.

4) *Types of fences permitted.* ~~Fencing material must be the same throughout the entire perimeter. When adding to or extending an existing fence the new fence material must match the existing fence material. Upon compliance with these basic, obvious, prerequisite qualifications,~~ The following types of fences may be constructed and erected:

- a) Front yard, perimeter fences constructed or erected forward of the front building line to the front lot or parcel line shall be constructed in compliance with the following fencing "type" requirements:
 1. Decorative fences of ornamental iron or wrought iron or decorative PVC;
 2. Picket type fencing;
 3. Old type rail fence or wood single or double paddock fencing.
- b) Rear and side yard perimeter fences shall be constructed or erected behind the front building line to the rear easement or property line and shall be constructed in compliance with the following fencing "type" requirements:
 1. Fencing constructed of material components and consistent with the "types" and construction techniques referred to under subsections 4)a)1., 2. and 3. above.
 2. ~~Black or green vinyl coated e~~Chain link fence is permitted in side and rear yards so long as such fence is not facing a public right-of-way or park. ~~However, if~~ If a portion of a side yard fence directly abuts the residence or structure, parallel to the front building line facing the frontage right-of-way, ~~vinyl coated chain link fencing may be permitted, so long as hedging is continuously maintained at the full height in front of the fence facing the frontage right-of-way. Chain link fencing is otherwise prohibited in any side or rear yard of corner lots.~~
 3. Privacy fences of the types described as board-on-board, shadow box, straight picket, stockades.
 4. Manufactured PVC fencing.

SECTION 4. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. Codification. It is the intent of the City Council of the City of Mascotte that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance; article and section numbers assigned throughout are suggested by the City.

SECTION 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this 5th day of JUNE, 2017 by the City Council of the City of Mascotte, Florida.

CITY OF MASCOTTE

Barbara Krull

Barbara Krull, Mayor

ATTEST:

By: Michelle Hawkins

Michelle Hawkins, CMC, City Clerk

Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily



who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

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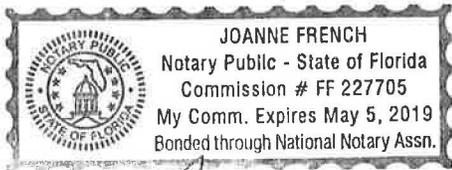
was published in said newspaper in the issues of:

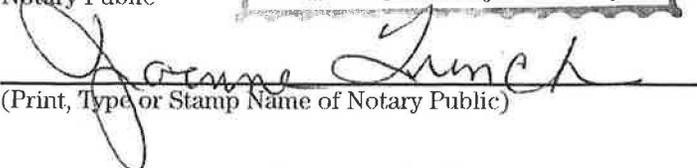
MAY 27, 2017

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 30 day of May A.D., 2017.

Joanne French
Notary Public




(Print, Type or Stamp Name of Notary Public)

AD# 10064816

NOTICE OF PUBLIC HEARING CITY OF MASCOTTE

Notice is hereby given that the City of Mascotte, Florida is proposing to adopt an Ordinance as follows:

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The public may inspect the proposed Ordinance at the City Manager's office, 100 East Myers Boulevard, Mascotte, Florida, between 7:00 a.m. to 5:30 p.m. Monday through Thursday.

The Mascotte City Council will hold a public hearing on the proposed Ordinance on Monday, June 5, 2017, at 6:00 p.m. at Council Chambers, Tedder-Thomas Memorial Civic Center, 121 North Sunset Avenue, Mascotte, Florida. If necessary, this public hearing may be continued to a time and date certain by announcement at this scheduled hearing without any further published notice.

ALL PARTIES ARE INVITED to appear and submit oral or written objections or comments regarding the proposed Ordinance. Persons needing special accommodation to participate in this proceeding should contact Michelle Hawkins at City Hall at (352) 429-3341 within 48 hours of the scheduled hearing.

Pursuant to section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Council with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Ad No: 10064816
May 27, 2017