

## ORDINANCE 2019-05-593

### AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA, AMENDING SECTIONS 5.12 OF THE LAND DEVELOPMENT CODE REGARDING 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 revise 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 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.*~~ Fences and Walls.

- 1) *Plans, specifications and fence permits.* Plans showing the proposed location of any perimeter fence ~~of~~ 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 property owner shall be responsible for ensuring that a fence or all is constructed within their property boundaries and not on within any easement, right of way, or any area other where not allowed. The property owner shall be solely responsible for relocation of any fence or wall that is discovered to have been installed outside of their property's boundaries, within an easement area, with in a right-of-way, or any other area where not allowed. The City will not verify the property owner's boundaries or existence of any easement, or other property interest as part of the application process. 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.
- 2) *Fencing of easements and rights-of-way.* No person shall enclose or fence any utility easement unless they have provided adequate access thereto for the purpose of working on utilities or repairing and maintaining utilities therein or thereon located, such access to be provided in such a way that no such fence will have to be cut or any wall removed.

No dedicated right-of-way shall be fenced or otherwise enclosed or obstructed by any perimeter fence or wall.

3) *General regulations or restrictions for perimeter fences.*

a) All perimeter fences located, erected, constructed, reconstructed or altered outside of the building lines of all property in the city shall not be more than four (4) feet in height from the front building line to the front lot line and not more than six (6) feet in height from the front building line to the rear easement or property line, with the following exceptions:

1. No perimeter fence shall be permitted within the area formed by property lines adjacent to intersecting streets for a distance of twenty-five (25) feet, or as determined by the City Manager or designee, from their intersection with one (1) another at a height greater than three (3) feet.
2. Fences around wireless telecommunications facilities and antennas, lift stations, stormwater ponds, water and wastewater facilities and treatment plants, substations, and any local, state and federal land uses, including schools and preschools, are permitted to be in excess of six (6) feet and no greater than eight (8) feet in height from finished grade.
3. ~~When deemed necessary by the City Manager or designee for the interests of public safety, A construction site which requires clearing, grading, stockpiling of materials and storage of construction equipment, parking, demolition, or construction shall have a temporary six-foot construction fence. Where a lot line is along a water body, the fence shall be placed no closer to the water than the yard setback line and shall not exceed three (3) feet in height.~~

If deemed necessary by the City Manager or designee in the interest of maintaining public safety a construction site which requires clearing, grading, stockpiling of materials, and storage of construction equipment, parking, demolition or construction shall have a construction fence. In such case a temporary six-foot chain link fence with a single color black or green fabric, or other screening materials as approved by the building official shall be located at the front, side and rear lot line of the construction site. Where a lot line is along a water body, the fence shall be placed no closer to the water than the yard setback line and shall not exceed three (3) feet in height. The fence gate shall remain locked during non-working hours. The fencing shall remain in place, upright and in good repair, until it is no longer needed to complete the project site and shall be removed prior to issuance of a certificate of occupancy for the project site.

4. The portion of any fence which crosses a driveway shall be constructed a minimum distance of 16 feet away from the adjacent right-of-way.

b) All fencing that is erected shall be of good workmanship, strength, and durability. All permitted fences, after construction, shall be maintained by the property owner in good order and repair consistent with original plans and specifications, these

regulations and restrictions and existence building and construction codes. Any failed components shall be replaced as needed.

- c) ~~Except as specifically allowed under subsection A)4) below, no p~~Perimeter fences in or adjacent to any residential ~~zoning district use may~~ shall not be constructed of ~~chain link, chicken wire, hog fencing, barbed wire, or similar fencing material except for purposes of containing permitting animals or livestock on (i) properties with an agricultural use component that contain nonresidential buildings that are exempt from the Florida Building and local ordinances or (ii) for properties that are exempt from local regulations on agricultural uses per section 823.14, Florida Statutes.~~ Perimeter fences constructed for the purpose of containing permitted animals or livestock shall not be constructed of any material that exposes sharp or barbed edges on the outside perimeter adjacent to public areas or any adjacent residential ~~zoning district use.~~

- d) Construction of chain link fencing shall not be permitted for or adjacent to any residential use except as specifically allowed under subsection 4 below.

- d) e) Perimeter fences incorporating razor wire shall not be permitted. ~~in any zoning district.~~

- e) f) All wood fencing shall be constructed using only rot and termite-resistant wood products or wood products which have been chemically treated to resist rot and termites, and shall be constructed with the structural supports facing away from the property lines.

4) *Types of fences permitted.* The following types of fences may be constructed and erected:

- a) For residential uses, fFront 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.
4. Chain link fencing that existed prior to May 7, 2019, may be replaced one time only with black or green vinyl coated chain link fence. Any subsequent replacement must be a of the fencing types set forth in subsection 4)A) 1., 2. And 3.

- b) For residential uses, rRear 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.,~~ and 4. above.

2. ~~Chain link fence~~ Construction of black or green vinyl coated chain link fencing is permitted in residential side and rear yards so long as such fence is not facing a public right-of-way or park. ~~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, chain link fencing may be permitted.~~
  3. Privacy fences of the types described as board-on-board, shadow box, straight picket, stockades.
  4. Manufactured PVC fencing.
- c) For commercial uses, perimeter fences may be constructed of:
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.
  4. Privacy fences of the types described as board-on-board, shadow box, straight picket, stockades.
  5. Manufactured PVC fencing.
  6. Black or green vinyl coated chain link fencing so long as such fence is not immediately adjacent to a residential zoning district, a public right-of-way abutting a residential zoning district, or a public park.
- e) d) Black or green vinyl coated chain link fence is permitted around lift stations, stormwater ponds, water/wastewater facilities and treatment plants, substations, and any local, state and federal land uses, including schools and preschools, even where such stations, plants, or uses are adjacent to a public right-of-way or park. Barbed wire or other appropriate anti-climbing device may be permitted as a security barrier in excess of the maximum height.
- d) ~~A construction site which requires clearing, grading, stockpiling of materials, and storage of construction equipment, parking, demolition or construction shall have a construction fence. A temporary six foot chain link fence with a single color black or green fabric, or other screening materials as approved by the building official shall be located at the front, side and rear lot line of the construction site. Where a lot line is along a water body, the fence shall be placed no closer to the water than the yard setback line and shall not exceed three (3) feet in height. The fence gate shall remain locked during non-working hours. The fencing shall remain in place, upright and in good repair, until it is no longer needed to complete the project site and shall be removed prior to issuance of a certificate of occupancy for the project site.~~
- e) Construction site signage may be required pursuant to Section 5.12(A)(3)(a)(3) above.
- e) ~~All fencing that is erected shall be of good workmanship, strength, and durability. Fencing shall be maintained in good condition with any failed components replaced as needed.~~

5) ~~Additional regulations~~ Regulations and restrictions for perimeter walls.

- a) Construction of perimeter walls shall be allowed only for the purpose of providing perimeter boundary separation of platted residential subdivisions ~~in residential zoning districts of~~ or as a buffer or physical division to surround, divide and separate manufacturing, industrial or commercial ~~zoning districts~~ uses from residential uses.
- b) Residential subdivision walls may be constructed to a height of six (6) feet.
- b) c) Walls may be constructed to a height of six (6) to eight (8) feet ~~in for~~ manufacturing, industrial or commercial zoning uses ~~or use districts as deemed appropriate by the City Manager or designee.~~
- e) d) Except to the extent otherwise permitted in this subsection, walls shall be constructed or erected only in compliance with the provisions of subsections 1), 2) and 3), above.

6) ~~Regulations and restrictions for perimeter hedges.~~

- a. ~~Except to the extent otherwise permitted in this section, perimeter hedges or any similar perimeter vegetative screening shall be planted and maintained only in compliance with the requirements of subsection 3), above.~~
- b. ~~All perimeter hedges or similar perimeter vegetative screening shall be cared for and maintained in a husband-like manner after planting and shall not be permitted by the property owner to grow to height that exceeds the height restrictions set forth under subsection 3), above.~~

**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 7<sup>th</sup> day of May, 2019 by the City Council of the City of Mascotte, Florida.

CITY OF MASCOTTE

Barbara Krull

Barbara Krull, Mayor

ATTEST:

By: Michelle Hawkins

Michelle Hawkins, MMC, City Clerk

# Affidavit of Publication

## DAILY COMMERCIAL

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

Before the undersigned authority personally appeared  
**Lisa Clay**

*Lisa Clay*

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

*City of Mascotte*

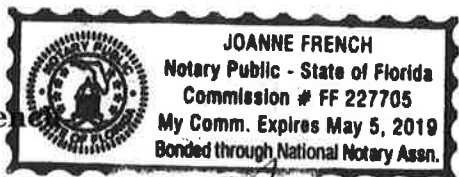
was published in said newspaper in the issues of:

*March 22, 2019*

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 26 day of Mar, A.D., 2019.

Joanne French  
Notary Public



*Joanne French*  
(Print, Type or Stamp Name of Notary Public)

AD#

*10 048569*

## NOTICE OF PUBLIC HEARING

### 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:

#### ORDINANCE 2019-05-593

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

The public may inspect the proposed Ordinance at the City Clerk's office, 100 East Myers Blvd., Mascotte, Florida, between 7:00AM to 5:30PM Monday through Thursday.

The Mascotte City Council will hold a public hearing on the proposed Ordinance on **Tuesday, April 2, 2019, 2018, at 6:30PM or soon thereafter** at Council Chambers, Tedder-Thomas Memorial Civic Center, 121 N. Sunset Ave., 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 should contact Michelle Hawkins at City Hall (352-429-3341) within 48 hours of the scheduled hearing.

Pursuant to 286.0105, F.S., if any person decides to appeal an decision made by the City Council with respect to any matter considered at this public meeting, such a person will need a record of the proceedings and for such purposes, such a 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.

Michelle Hawkins, MMC  
City Clerk, Mascotte, Florida



# Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

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

Before the undersigned authority personally appeared

**Lisa Clay**

*Lisa Clay*

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

*PUBLIC HEARING*

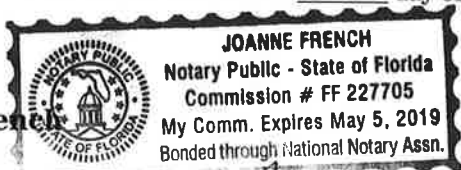
was published in said newspaper in the Lake and Sumter county issues of:

*APRIL 22, 2019*

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, 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 *22* day of *Apr*, A.D., 2019.

**Joanne French**  
Notary Public



*Joanne French*  
(Print, Type or Stamp Name of Notary Public)

AD#

*D048634*

## NOTICE OF PUBLIC HEARING

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:

### ORDINANCE 2019-05-593

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

The public may inspect the proposed Ordinance at the City Clerk's office, 100 East Myers Blvd., Mascotte, Florida, between 7:00AM to 5:30PM Monday through Thursday.

The Mascotte City Council will hold a public hearing on the proposed Ordinance on **Tuesday, May 7, 2019, at 6:30PM or soon thereafter** at Council Chambers, Tedder-Thomas Memorial Civic Center, 121 N. Sunset Ave., 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 should contact Michelle Hawkins at City Hall (352-429-3341) within 48 hours of the scheduled hearing.

Pursuant to 286.0105, F.S., if any person decides to appeal an decision made by the City Council with respect to any matter considered at this public meeting, such a person will need a record of the proceedings and for such purposes, such a 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.

Michelle Hawkins, MMC  
City Clerk, Mascotte, Florida

D048634 - April 22, 2019