

ORDINANCE 2014-07-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA, AMENDING SECTION 137-80 IN CHAPTER 137 OF THE CITY OF GROVELAND CODE OF ORDINANCES AND SECTION 153-217 IN CHAPTER 153 OF THE CITY OF GROVELAND CODE OF ORDINANCES TO ALLOW A CERTAIN TYPE OF FIELD FENCE TO BE CONSTRUCTED ON AN AGRICULTURE OR RESIDENTIAL PROPERTY CONSISTING OF 2 ACRES OR MORE; PROVIDING SPECIFICATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICT; AND SETTING AN EFFECTIVE DATE.

WHEREAS, in addition to residential lots developed in platted subdivisions with traditionally small and mostly uniform lot sizes, residential housing in the City of Groveland also consists of dwellings on considerable acreage not located in more traditional neighborhoods, but rather in more rural locations of the City; and

WHEREAS, the City currently restricts the type of materials used to construct a fence on a residential property; and

WHEREAS, the City Council recognizes residential properties of two acres or larger are utilized differently than small, residential lots in a planned subdivision, and therefore the City Council wishes to allow for different types of fencing materials for certain residential lots.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA:

Section 1: Recitals The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

Section 2: FENCING AND WALLS. Section 137-80 in Chapter 137 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 137-80. Fencing and walls.

Residential fencing or walls shall be allowed in the side and rear yards, except that fencing or walls shall also be allowed in the front yard when constructed as part of a perimeter fence or wall on an agricultural or residential property either of which consists of two acres of land or more and upon which a residence is located or under construction. The maximum height of residential (including agriculture) fencing or walls shall not exceed six feet. Chain-link fencing is allowed on a residential lots with one acre of land or more or on a residential lots where the lot abuts a conservation area or lake. On agricultural or residential property consisting of two acres of land or more and upon which a residence is located or under construction a field fence is allowed. The field fence must be constructed of galvanized general purpose woven wire field fence affixed to pressure treated wood fence posts having a minimum diameter of 4", and may include cross-ties or other similar posts for use at corners and on either side of a gate. Barbed wire, if installed as part of the field fence, shall be located to the inside of the woven wire

and to the property that is installing the fence. Notwithstanding anything to the contrary contained in the Code of Ordinances, farm fences as provided in Section 604.50, Florida Statutes are exempt from the land development code regulations.

Section 3: TYPES OF FENCES AND WALLS PERMITTED. Section 153-217 in Chapter 153 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

Sec. 153-217. Types of fences and walls permitted.

All fences and walls constructed shall comply with the type of construction and materials required by the building codes. The following types of fences and walls may be erected in accordance with one of the following types of combination of materials, except as otherwise provided in Sect. 137-80:

- (1) Rot- and termite- resistive wood consisting of posts and boards.
- (2) Wood which has been chemically pressure-treated to resist rot and termites in a combination of posts and boards.
- (3) Noncorrosive metal or galvanized wire fabric of 11 gauge, mounted in steel posts.
- (4) Ornamental iron, concrete or masonry or a combination thereof, used in the construction of walls.

Section 4. Codification. It is the intention of the City Council of the City of Groveland that the provisions of this Ordinance shall be codified and made a part of the City of Groveland Code of Ordinances.

Section 5: Severability. If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed here from and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 6: Conflict. All ordinances or parts of ordinances, resolutions or parts of resolutions, which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

Section 7: Effective Date

This Ordinance shall become effective immediately upon final adoption by the City Council of the City of Groveland, except in its application to property located within the Green Swamp Area of Critical State Concern which shall be effective upon the state

land planning agency issuing its final order or, if the final order is challenged, upon the challenge to the order being resolved pursuant to chapter 120.

PASSED AND ORDAINED in regular session of the City Council of the City of Groveland, Lake County, Florida, this 21st day of July, 2014.

HONORABLE TIM LOUCKS, MAYOR
City of Groveland, FL

ATTEST:

Teresa Begley
City Clerk

Approved as to Form:

Anita Geraci-Carver
City Attorney

Passed First Reading_____

Passed Second Reading_____

Council Member _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member_____ and upon roll call on the motion the vote was as follows:

| | YEA | NAY |
|---------------|-----|-----|
| John Griffin | | |
| Tim Loucks | | |
| James Smith | | |
| Dina Sweatt | | |
| Evelyn Wilson | | |