

ORDINANCE 2016-04

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, PROHIBITING CLOTH OR FABRIC FENCING; PROVIDING AN EXEMPTION; CLARIFYING THE TYPES OF FENCING ALLOWED; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde regulates fences; and

WHEREAS, the Town desires to prohibit the use of cloth or fabric as fences or as part of fencing; and

WHEREAS, the Town further desires to provide an exemption to the prohibition in certain circumstances; and

WHEREAS, the Town of Montverde has determined that it in the best interest of the health, safety, and welfare of its citizens to amend the City's Land Development Code;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 4-254 in Chapter 4, Part III (Land Development Code) of the Montverde Code of Ordinances is hereby amended to read as follows:

Sec. 4-254. Types of fences.

Unless otherwise provided in the Town's Code, allowable fence materials may only include wood, chain-link, vinyl, concrete masonry wall, brick, wrought or ornamental iron or decorative metal. Welded wire mesh is permitted if properly supported by a cross member or is attached to a permitted fence as described above. Cloth, or fabric fences are prohibited. Electric wiring may be installed only on the interior portion of the fence and will be allowed in all zoning districts.

Commercial grade screening is permitted in such cases where it is attached to a permanent fence. Where permitted, commercial grade screening must be black, dark green, gray, or brown in color.

A fence which was legally erected prior to this ordinance but which does not conform to this ordinance is considered a legal, nonconforming fence, and is not required to comply with this ordinance. A legal non-conforming fence shall lose its lawful non-conforming designation and status if the Town determines that any of the following is applicable:

1. The fence is relocated, moved, rebuilt or replaced.
2. The fence is destroyed. A fence shall be deemed destroyed if any of the following occurs.
 - a. The fence is torn down or demolished;
 - b. The fence is wrecked or ruined; or
 - c. Such damage has been done to the fence that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding.
3. Even if a fence has not been destroyed, but damage or deterioration has occurred to the point of 50% or more, then the fence shall be deemed to have lost its legal non-confirming status.


SECTION 3. Codification. It is the intent of the Town Council of the Town of Montverde 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.

SECTION 4. 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.

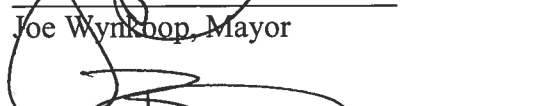
SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of February 9, 2016.



Joe Wynkoop, Mayor



Bill Bates, Council President

Attest:



Graham Wells, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver

Anita Geraci-Carver, Town Attorney

First Reading January 26, 2016

Second Reading February 9, 2016

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



	YEA	NAY
Bill Bates	✓	
Glenn Burns	✓	
Jim Ley	✓	
Jim Peacock	✓	
Judy Smith	✓	