

Town of Montverde

Fence Checklist

1. Completed Permit Application
2. A survey showing the location of the fence in reference to the property lines and all drainage and all easements.
3. A property records card showing ownership of the property.
4. An elevation view of the fence indicating the material of the fence that complies with the requirements of the Fence Ordinance.

Fence Material: Circle one. Wood, Chainlink, Vinyl, Concrete Masonry, Brick, Wrought Iron, Ornamental Iron, Decorative Metal.

Is this a corner lot? Y N

Is this an agriculturally zoned lot? Y N

Fence Height above adjacent grade for rear yard fence?

Fence height above adjacent grade for front yard fence?

Will there be barbed wire attached to this fence? Y N

Will there be an electric fence installed as part of this project? Y N



TOWN OF MONTEVERDE PERMIT APPLICATION

Permit Number

Alternate Key Number	Parcel Number	Project Address	
		Project Description	Fence
Owner's Name	Mailing Address	City, State, Zip	Telephone

Email Address:

Fee Simple Titleholder's Name	Mailing Address	City, State, Zip	Telephone
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General Contractor	Mailing Address	City, State, Zip	Telephone
N/A			

Email Address:	State License Number:		
Fence Contractor	Mailing Address	City, State, Zip	Telephone

Email Address:

Electrical Contractor	Mailing Address	City, State, Zip	Telephone
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N/A			
Email Address:	State License Number:		

Plumbing Contractor	Mailing Address	City, State, Zip	Telephone
N/A			

N/A			
Email Address:	State License Number:		

HVAC Contractor	Mailing Address	City, State, Zip	Telephone
N/A			

N/A			
Email Address:	State License Number:		

Roofing Contractor	Mailing Address	City, State, Zip	Telephone
N/A			

N/A			
Email Address:	State License Number:		

Legal Description	
Bonding Company	
Bonding Company Address	
Architect's Name	
Architect's Address	

Project Information		Job Name:				
		Subdivision Name	Lot No.	Phase		
Zone	Lot Area					
		Setbacks (ft)	Front	Rear	Side	Corner
Project (check one)	Area	Electrical	Hvac	Water (check one)		
New	Living	Service Size	Type	Municipal		
Alteration	Garage			Well		
Addition	Porch(s)		Efficiency	Plumbing (check one)		
Repair	Other			Airhandler	Sewer	
Other	Total		Condenser	Septic		
Garage (check one)	Number of Bedrooms	Estimated Cost		Code In Effect		
Attached						
Detached						

Signature of Applicant	Date
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WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement. The issuance of a building permit does not assure the building setbacks have been met or that the structure does not encroach on an easement. The owner and/or contractor have the sole responsibility of determining compliance with setbacks and non-encroachment of easements. If the City of Mascotte determines the structure does not meet applicable setbacks or improperly encroaches on an easement, the owner is responsible for moving the structure, restoring the easement to its original condition, or otherwise making the structure comply with City setbacks and other land use requirements. Permits expire 6 months after issuance

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification and who did _____ or did not _____ take an oath.

(Seal)
Notary Public

ARTICLE XI. - FENCE REQUIREMENTS

Sec. 4-254. - Types of fences.

Unless otherwise provided in the Town's Code, allowable fence materials may only include wood, chainlink, 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 section but which does not conform to this section is considered a legal, nonconforming fence, and is not required to comply with this section. A legal nonconforming fence shall lose its lawful nonconforming 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 percent or more, then the fence shall be deemed to have lost its legal nonconforming status.

(Ord. No. 2003-01, § 7.10.1, 3-11-2003; Ord. No. 2009-13, § 3, 6-9-2009; Ord. No. 2016-04, § 2, 2-9-2016)

Sec. 4-255. - Barbed wire or barbed wire top fence.

Barbed wire fences may be constructed only in agriculture zoning districts. Barbed wire top fences will be allowed in commercial zoning districts if the barbed wire top is placed on top of a six-foot fence with the barbed strands slanted to the interior of the property.

(Ord. No. 2003-01, § 7.10.2, 3-11-2003)

Sec. 4-256. - Height of fences.

- (a) The maximum height of any fence or wall in any zoning district is six feet.
- (b) Fences or walls in side yards and rear yards, behind the front building setback line of the parcel, may be placed along the property line and may be completely opaque.
- (c) Fences or walls in front yards that are between the front building setback line and the front property line, or fences in side yards or rear yards that are constructed within 25 feet of any right-of-way line, may be no more than four feet in height if the fence is opaque. Fences or walls that exceed four feet in height that are between the front building setback line and the front property line, or fences in side yards or rear yards that are constructed within 25 feet of any right-of-way line, must allow 85 percent of air and light to penetrate through the fence or wall.

- (d) No fence or wall in excess of three feet in height and that does not allow 85 percent of air and light to penetrate through the fence or wall shall be allowed within 25 feet of the intersection of the right-of-way lines (property lines) of existing streets or roads.

(Ord. No. 2003-01, § 7.10.3, 3-11-2003; Ord. No. 2003-05, § 1, 12-9-2003; Ord. No. 2009-13, § 3, 6-9-2009)

Sec. 4-257. - Property lines.

Fences may be constructed along the property line of the lot. Damage to town-owned utilities during fence installation shall be repaired immediately at the expense of the property owner. Furthermore, the town may enter any easement area without prior notice to make any repairs and maintenance it deems necessary and shall not be responsible for any damage to the fence in the easement area. If a permanent removal of a section of any fence constructed on an easement is requested by the town, the fence must be removed from the property by the owner within the time specified by the town. No fence shall be constructed which obstructs motorist visibility.

(Ord. No. 2003-01, § 7.10.4, 3-11-2003; Ord. No. 2009-13, § 3, 6-9-2009)

Sec. 4-258. - Fences in excess of six feet in height.

The following uses may have fences in excess of six feet in height, provided that the fence is not opaque and allows 85 percent of air and light to penetrate the fence:

- (1) Fences for standard athletic uses such as baseball backstops and tennis court enclosures. Any wind or visual screening for such fences shall extend no more than eight feet above the lowest adjacent grade.
- (2) Fences for publicly owned and privately owned utility infrastructure.
- (3) Fences that may be required to meet state or federal regulations for a specific permitted land use. Evidence of such regulations must be provided to the town clerk prior to the construction of such fence.

(Ord. No. 2003-01, § 7.10.5, 3-11-2003; Ord. No. 2009-13, § 3, 6-9-2009)

Sec. 4-259. - Agriculture or conservation districts.

In the agriculture or conservation zoning districts, chainlink fences shall be permitted with the addition of hog-wire fences when in an agricultural or similar type of land use. Barbed wire fence headers shall be permitted with the approval of the town.

(Ord. No. 2003-01, § 7.10.6, 3-11-2003)

Sec. 4-260. - Permit required.

- (a) All applications for building permits for fences, walls or buffer strips shall state whether such is to be placed at or near a boundary between the property of the applicant and adjoining property, and also whether there is any fill, slanting, elevation or other difference in the level of grade between the properties. In the event there is a grade difference, the town may require that the applicant cut the height by such amount as will be necessary to compensate for such difference in grade so as to make the fence not in excess of the maximum permitted as the same affects the natural grade of the adjoining property. The purpose of this section is to protect the rights of adjoining property owners, and not have fences in excess of the heights set forth in this article. Walls or fences authorized by

this section must be constructed so that the exposed framing of each section of fence must face the interior yard. Walls or fences must also be constructed so that the finished and most aesthetically pleasing side of the wall or fence faces outward.

- (b) The construction of any fence shall require a building permit from the town. Before the building permit is issued, the applicant shall submit plans which shall show the dimension of the property, the type of fence proposed to be constructed and its location on the property. Upon approval by the mayor or designee, a building permit may be issued.

(Ord. No. 2003-01, § 7.10.7, 3-11-2003)

Sec. 4-261. - Maintenance.

- (a) Owners of the property where fences are constructed are required to maintain the fence and to keep it in proper working order, and to ensure that it shall be aesthetically pleasing.
- (b) The exposed nib end of any chainlink fence shall face the ground when within six feet from any sidewalk.
- (c) The town council shall be authorized to order the removal or reduction in height of any fence, wall or other structure which exceeds the height specified by this article or which constitutes a hazardous obstruction to the vision of vehicle operators upon the streets, roads and alleys, or is designed or constructed in such a manner as to create a hazard to the public. Failure to comply with a directive issued pursuant to this subsection shall constitute a code violation.

(Ord. No. 2003-01, § 7.10.8, 3-11-2003)

Sec. 4-262. - Nonconforming fences.

- (a) No nonconforming fence shall be altered or extended unless brought into conformance with the requirements of this Code.
- (b) No fence shall be considered to be a nonconforming fence if it was erected without the approval of the town and without a building permit having been obtained or if the fence was constructed contrary to the provisions of a building permit. Any such fence shall be considered unlawful and shall be subject to removal.