

ORDINANCE NO. 2018-04

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES OF *THE LAND DEVELOPMENT CODE* TO AMEND THE CRITERIA FOR THE NUMBER OF SHEDS, UTILITY STRUCTURES, PLAYHOUSES AND GAZEBOS ALLOWED; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is an administrative amendment to the City of Ormond Beach *Land Development Code* (“the *LDC*”), of the City of Ormond Beach, by amending the criteria for the number of sheds, utility structures, playhouses, and gazebos allowed, and

WHEREAS, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on November 9, 2017, on the requested amendment and has made recommendations thereon to the City Commission, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Section 2-50, Accessory Uses of Article III, General Regulations, of Chapter 2, District and General Regulations, of the *LDC* is hereby amended to read as follows:

- (bb) *Screen porches/enclosures.* ...(No change in existing text)...
- (cc) Sheds, utility structures, playhouses and gazebos. Each of the aforementioned accessory structures shall comply with the use limitations applicable in the zoning district for which it is located and are permitted under the following conditions:
 - (1) An approved building permit shall be issued prior to the erection of any accessory structure.
 - (2) The rear and side yard setbacks for a utility structure, shed, playhouse and gazebo shall be seven and one-half feet (7½').
 - (3) Area requirements.
 - a. For purposes of this section any utility structure/shed over one hundred-fifty (150) square feet shall be considered a garage and must meet the principal building setbacks for the zoning district in which the property is located.
 - b. Any gazebo over one hundred-fifty (150) square feet shall be required to meet the principal building setbacks for the zoning district in which the property is located.
 - (4) Number.
 - a. ~~No more than one (1) detached utility structure/shed, plus a playhouse or gazebo shall be permitted on a lot having ten thousand (10,000) square feet of lot area or less. Multiple utility structures/sheds are permitted in the Rural Residential Zoning District or the Rural Agricultural Zoning District with approval from the planning director or designee.~~
 - b. ~~Multiple utility structures/sheds, playhouses or gazebos are permitted in the Rural Residential or~~

~~the Rural Agricultural zoning district with approval from the planning director or designee.~~

<u>Size of property</u>	<u>Number of sheds/utility structure, plus a playhouse and/or gazebo allowed</u>
<u>Up to 10,000 square feet</u>	<u>2</u>
<u>10,001 to 24,999 square feet</u>	<u>3</u>
<u>25,000 to 49,999 square feet</u>	<u>4</u>
<u>50,000 square feet and over</u>	<u>No limit</u>

- (5) Height.
 - a. The utility structure/shed or gazebo shall not exceed ten feet (10') in height.
 - b. Playhouses shall not exceed eighteen feet (18') in height.
- (6) Sheds, utility structures, playhouses, and gazebos are permitted to have hard roofs.

(dd) Solar energy systems. ...(No change in existing text)...
...(No change in balance of existing text)...

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 2nd day of January, 2018.

PASSED UPON at the second and final reading of the City Commission, this 16th day of January, 2018.



BILL PARTINGTON
Mayor

ATTEST:



J. SCOTT MCKEE
City Clerk