

ORDINANCE NO. 18-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 118-1310 OF THE CITY CODE TO PROVIDE THAT CONSTRUCTION OR INSTALLATION OF STORAGE BUILDINGS 160 SQUARE FEET OR LESS AS AN ACCESSORY USE DOES NOT REQUIRE SUBMISSION OF BUILDING PLANS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden finds that it is in the interests of the public health, safety, and welfare for the City to adopt this Ordinance amending Section 118-1310 of the City Code to provide that construction or installation of storage buildings 160 square feet or less as an accessory use does not require submission of building plans.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Section 118-1310 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 118-1310. - Generally.

(a) *Definitions.* For the purpose of this section, the following will be uses as definitions:

Accessory buildings. An accessory building for both residential and nonresidential development is defined as a building that:

- (1) Is detached from the principal building;
- (2) Is clearly a supplementary use to the principal building;
- (3) The total square footage of all accessory buildings are less than 50 percent of the size of the principal building; and
- (4) Is not intended for human habitation.

Examples include storage buildings, residential green houses, detached garages, etc. Attached accessory buildings must comply with all setbacks and zoning regulations of the principal structure.

Accessory structures. An accessory structure is a structure that does not provide shelter from the elements. Examples include swimming pools and pool screening and decking, Bar-B-Q pits, decks, etc. Not included in the definition of accessory structures and not regulated by this division of code are driveways, fences, walls, bird baths, decorative ponds, and at grade patios.

Greenhouses. A greenhouse is a building constructed for the primary purpose of cultivation, growing, and protection of plants.

(b) *General requirements.* In general, accessory buildings and structures must be located in the rear or side yards and must be five feet from the property lines. Accessory buildings and structures cannot be located within any easements. Accessory buildings and structures located in the street side of a corner lot must comply with the side yard setbacks of the principal building. Accessory buildings must be constructed simultaneously with, or following, the construction of the principal building, and shall not be used until after the principal building has been erected.

Accessory buildings shall be designed to blend aesthetically with the principal building. Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height. No accessory building may be located in the front yard or within any recorded easement. No more than two such accessory buildings may be located on any lot.

(c) *Setback and separation requirements for detached accessory buildings.*

(1) ~~Less than~~ Accessory buildings - 160 square feet or less. Accessory buildings that are detached from the principal building and are 160 square feet or less shall be:

- a. Located no less than five feet from a side or rear property line, and have the same sideyard setback as the principal building when located on the street side of a corner lot;
- b. Be closer than four feet to any other accessory building on the same lot; and
- c. Shall not be allowed to project beyond the established front building line of the principal building.

(2) Accessory buildings - Greater than 160 square feet. An accessory building greater than 160 square feet shall comply with the above requirements with the following exceptions:

- a. An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure.
- b. An accessory building greater than 160 square feet must be separated from the principal structure by a minimum of ten feet.
- c. An accessory building greater than 160 square feet shall not occupy more than 25 percent of the rear yard.

(3) *Open carports.* Detached or attached open carports consisting of a roof and members for support, shall be located in either the front or side yard and must comply with all the setbacks of the principal building of the zoning district of the property.

(4) *Location criteria.* No accessory building may be located in the front yard.

(d) *Accessory structures.* All accessory structures (i.e. structures that do not offer shelter from the weather such as Bar-B-Q pits, decks, swimming pools, residential dog houses, etc.) are required to comply with the location criteria and setbacks regulations as identified for accessory buildings. With the exception of the sideyard of the street side of a corner lot, attached and detached pools, pool screens, and pool decking may be located up to five feet of the side and rear property lines.

(e) *Prohibited accessory buildings and structures.* The following accessory buildings and structures are prohibited in all zones:

1. Tents (when used over a two-week period) unless approved by the city commission.
2. Trailers and mobile homes (when used as an accessory building).
3. Shipping containers (except on a temporary basis on an active construction site).

(f) *Lot coverage.* The area of accessory buildings is included in the total lot coverage calculations. This total area must not exceed the maximum lot coverage as identified in the specific zoning district.

(g) *Greenhouses shall be considered only by special exception.* All greenhouses shall be designed to blend aesthetically with the principal building and shall be constructed of permanent building materials such as metal, glass or wood although composite materials may be considered. Greenhouses shall not be constructed of temporary materials such as plastic, visqueen or cloth. Also, fiberglass shall not be used in the construction of greenhouses.

(h) *Storage buildings - 160 square feet or less.* Construction or installation of storage buildings that are 160 square feet or less in area shall not require submission of building plans, but shall be subject to all other relevant requirements under this section, the city code, and the Florida Building Code, as may be applicable.

SECTION 3. Codification. This Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: August 9, 2018

SECOND READING: August 23, 2018

ADOPTED this 23rd day of August, 2018, by the City Commission of the City of Winter Garden, Florida.

CITY COMMISSION
CITY OF WINTER GARDEN

_____/S/_____
John Rees, Mayor/Commissioner

ATTEST:

_____/S/_____
Angela J. Grimmage, City Clerk