

ORDINANCE NO. 2017-18

AN ORDINANCE OF THE CITY OF CLEWISTON, FLORIDA, PERTAINING TO ACCESSORY STRUCTURES, PROVIDING FOR AMENDMENTS TO SEC. 110-526 OF THE CODE OF LAWS OF THE CITY RELATING TO DEFINITION OF ACCESSORY STRUCTURE, HEIGHTS AND SIZES OF GARAGES AND CARPORTS, AND THE USE OF SHIPPING CONTAINERS AS ACCESSORY STRUCTURES IN THE INDUSTRIAL DISTRICTS, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Clewiston, Florida, has determined to amend its Code of Ordinances to make certain changes to provisions therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, THAT:

SECTION 1. Section 110-526 of the Code of Laws and Ordinances of the City of Clewiston, Florida, is hereby amended to read:

Sec. 110-526. - Accessory structures.

- (a) *Intent.* The intent of this section is to provide regulations governing accessory structures and to help ensure acceptable design, installation and use of accessory structures while maintaining the integrity of the principal use of the property. Furthermore, it is intended to provide assurances that activities that take place are compatible with the designated zoning classifications and such activities will have no adverse effects on the surrounding properties.
- (b) *Definition.*
- (1) Accessory structures are a building, area, part of a building, structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure, or use on the same lot. An accessory structure is typically a structure that is detached from the main residence and includes but is not limited to a household garage, household storage shed, private playhouse, gazebos, ~~detached carport~~, household greenhouse, ~~a household swimming pool~~, unattached patios, driveways, an accessory storage building to a commercial business use. Accessory structure includes metal frame with metal or canvass cover portable carports. Plastic or resin "snap-together assembly" type shed kits such as plastic deck boxes or other non-walk in type utility/storage units are not considered accessory structures.

(2) Shipping Containers include standardized reusable vessels that were:

- a. Originally designed for or used in the packing, shipping, movement or transportation of freight articles, goods or commodities; and/or
- b. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

(c) *Attached structure.* If an accessory-type structure is attached to a principal building by any wall or roof construction, it shall be deemed to be part of the principal building and shall comply in all respects with the yard and setback regulations of the applicable zoning district. The square footage of the accessory-type building will be counted as part of the square footage allowed on the property for accessory uses.

(d) *General provisions.*

(1) Accessory structures incidental to residential dwelling units including all types of manufactured and mobile homes shall comply with the following standards:

- a. Structures 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.
- b. Maximum gross floor area shall not exceed 600 square feet except as provided in Section (e)(4).
- c. ~~Side walls shall not exceed nine feet in height and~~ Roof peaks shall not exceed 12 feet in height, except garages and carports that meet the requirements of Section (e)(4).
- d. Structures shall be painted and designed to blend aesthetically with the principal building.
- e. Use of accessory structures for living purposes is prohibited.

(2) Accessory structures, incidental to residential dwelling units, are limited to one detached accessory structure/building, not including garages, per 8,000 square feet of lot area, or fraction thereof, up to a maximum of two such structures per lot.

(3) Minimum setback standards from lot line for accessory structures:

- a. R-1A Single-Family:
 - Front: 80 feet.
 - Rear: 15 feet.
 - Side (interior): Ten feet.
 - Side (corner): 20 feet.
- b. R-1B Single-Family:
 - Front: 60 feet.
 - Rear: Ten feet.

Side (interior): 7.5 feet.

Side (corner): 15 feet.

c. R-1C Single-Family:

Front: 60 feet.

Rear: Ten feet.

Side (interior): 7.5 feet.

Side (corner): 15 feet.

d. R-2 Two-Family:

Front: 60 feet.

Rear: Ten feet.

Side (interior): 7.5 feet.

Side (corner): 20 feet.

e. R-3 Multiple-Family:

Front: 50 feet.

Rear: Ten feet.

Side (interior): Ten feet.

Side (corner): 15 feet.

f. RM-1 Mobile Home Park:

Front: 25 feet from public ROW.

Park 7.5 feet from interior ROW.

Rear: Six feet.

Side: Six feet.

g. RM-2 Mobile Home Subdivision:

Front: 40 feet.

Subdivision rear: Five feet.

Side (interior): Five feet.

Side (corner): Ten feet.

- h. General commercial/Industrial: None, except when abutting an R or RM District, then Rear - 20 feet, Side – 10 feet.

However, accessory structure may not encroach into a city alley or public utility easement.

- (4) An uncovered patio or deck that is not more than three feet above the surrounding grade may extend to the side, but not street side, and/or rear property lines, provided it does not encroach into any city alley or public utility easement.
- (5) Accessory structures incidental to commercial use on any one lot shall not exceed the lesser of ten percent of the total lot area or 2,100 square feet. This provision shall not apply to structures in the I-Industrial zoning district.

(e) *Garages and carports.*

- (1) All garages and carports in residential R-1A, R-1B, and R-1C zoning districts shall have a minimum 8' x 7' vehicle opening and ten-foot wide paved driveway extending from the vehicular opening of such structure to the public right-of-way improvements, or to the right-of-way line if public improvements do not exist. RM-1 and RM-2 shall have such driveways when access fronts on a public right-of-way. The driveway shall be constructed of asphalt, concrete or similar impervious surface.
- (2) The front plane of an attached front-facing garage shall be no more than five feet closer to the front property line than the front facade of the principal structure, unless the garage is located no less than 30 feet from the front property line, and the house includes a front porch. In no event shall the front plane of a front-facing garage be more than ten feet closer to the front property line than the front facade of the principal structure and in no event shall a front-facing garage encroach into a required front yard setback.
- (3) Detached garages and carports shall be no closer to the front property line than ten feet behind the front facade of the principal residential structure.
- (4) The peak of detached garages and carports shall be limited to 20 feet in height. The vehicle entrance of detached garages and carports shall be limited to nine feet in height, as measured to the top of the entrance and The total gross floor area of detached garages and carports shall not exceed 50 percent of the first floor interior area of the principal structure or 1,000 square feet in area.

(f) *Temporary buildings or structures.*

- (1) Temporary buildings or structures or mobile offices required for a construction project of any kind shall be permitted in every land use district, provided that such buildings or structures shall be removed from the site immediately upon completion of the project.
- (2) Accessory structures such as mobile homes or offices shall be permitted in conjunction with temporary outdoor activities for the duration of the temporary outdoor activity for office purposes. Use of accessory structures for living purposes is prohibited. Any such office use shall require toilet facilities with a signed maintenance contract.

(g) *Prohibited accessory buildings and structures.* The following are prohibited in all zoning districts for use as accessory structures:

- (1) Tents (when used longer than a two-week period) and frame-type structures covered with tarps or canopies.
- (2) No trucks of any type, truck trailer, or mobile homes.
- (3) Railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials.
- (4) Use of accessory storage buildings, structures or cargo containers for living purposes
- (5) Shipping containers (except on a temporary basis on an active construction site).
- (6) A shipping container may be approved by the Planning Board for use in Industrial District and Public district that otherwise meet all requirements of the district regulations, and
 - a. building permit required if over 200 SF;
 - b. cannot be stacked;
 - c. cannot contain advertising on exterior;
 - d. must be maintained in good repair, painted a solid neutral color that blends with surrounding buildings;
 - e. the Planning Board may require screening from abutting properties and impose such other conditions that protect the character and aesthetics of the surrounding area;
 - f. the Fire Marshall shall have access to all containers to review contents for hazardous conditions.

(7) Violations – Time to comply.

All owners of property within the City shall have 120 days from the effective date of this ordinance to bring the properties which currently contain accessory storage buildings that are in violation of the terms of Section 110-526(g) into full compliance with Section 110-526(g).

(Code 1999, § 110-438; Ord. No. 2005-02, pt. 1, 4-18-2005)

SECTION 2. INCLUSION IN THE CODE OF ORDINANCES. The provisions of these ordinances shall become and be made a part of the City Code of Ordinances and the sections of these ordinances may be renumbered and codified to accomplish this end.

SECTION 3. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

SECTION 4. SEVERABILITY. If any part of these ordinances are declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

SECTION 5. EFFECTIVE DATE. These ordinances shall take effect immediately upon its passage and approval consistent with all requirements of general law.

PASSED on first reading by the City Commission on October 16th, 2017.

PASSED AND ADOPTED on second and final reading by the City Commission on November 20th, 2017.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Mary K. Combass, Interim City Clerk

Mali Gardner, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Gary M. Brandenburg, City Attorney