

BY THE CITY COMMISSION

ORDINANCE NO. 2007-0950

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING SECTIONS 5.2 AND 15.2 OF ZONING ORDINANCE NO. 361, AS AMENDED, REGULATING AND DEFINING ACCESSORY BUILDINGS AND STRUCTURES TO ADDRESS THE USE AND PERMITTING OF PORTABLE SHELTERS; PROVIDING FOR REPEALER, MODIFICATION, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Dade City has previously established zoning districts and zoning regulations within the City to protect the public health, safety and welfare and to preserve the aesthetic quality of residential neighborhoods; and

WHEREAS, Sections 5.2 and 15.2 of Zoning Ordinance No. 361 define accessory structures and buildings and provide appropriate setbacks for same; and

WHEREAS, in recent years, it has become common for people to purchase and utilize “portable shelters” for storage and protection of motor vehicles, trailers and other items; and

WHEREAS, it has become necessary to address the permitting and use of these structures to ensure safety concerns and to address the compatibility of these structures with regulations governing residential areas as well as other accessory structures.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida as follows:

Section 1. Section 5.2(f) of Zoning Ordinance No. 361, as amended, is hereby amended as follows:

5.2 Uses and Structures Permitted in Required Yards.

- ⌘ Accessory Uses and Structures. In residential districts, accessory structures and uses may only be placed in the rear yard. ~~shall not be located in required front or side yards but may be located in rear yards; provided, however, that accessory structures for the housing of persons such as not for rent guest houses, and garage apartments, shall not be located in any required yard.~~ On double frontage or corner lots in residential districts, accessory uses and structures shall not be located in either of the required front yards, but may be located in side or rear

yards. No separate accessory building shall be located within five (5) feet of any building nor closer than three (3) feet to a property line unless a common party-wall is to be used between abutting property owners.

Section 2. Section 15.2 of Zoning Ordinance No. 361, as amended, is hereby amended as follows:

15.2 Accessory Use or Structure.

A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure and located on the same lot as that of the principal structure, building, or use, including but not limited to, swimming pools, pool decks, utility sheds, detached garages, and screened rooms/portable shelters. For the purposes of the Land Development Code, portable shelter/shed shall be defined as any roofed structure designed to shelter vehicles, goods, equipment or property of any kind, and that is capable of being carried or moved. Erection of accessory structures shall require a building permit, must meet all manufacturer's specifications and the structure shall meet Florida Building Code wind load requirements. Furthermore, all accessory structures shall be maintained in a neat, clean and damage-free condition. Where an accessory building is permanently attached to the principal building, it shall be considered a part thereof, and not an accessory building or structure. ~~A facility for the service of malt, vinous, or other alcoholic beverages shall be deemed an accessory use for a motel, hotel, private club, yacht club, or golf club provided all other applicable requirements of state law and city regulations are met.~~

Section 3. **Repealer.**

All provisions of the Dade City Zoning Ordinance No. 361, as amended, and Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 4. **Modification.**

It is the intent of the City Commission that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Commission.

Section 5. **Severability.**

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

Section 6. Inclusion in Code.

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Land Development Code, and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. Effective Date.

This Ordinance shall take effect upon adoption.

The above ordinance was read and approved upon first reading this 13th day of March, 2007, and adopted following public hearing on the 27th day of March, 2007.

ATTEST:

CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

P. Hutchison Brock, II, Mayor

Approved as to Legal Form and Sufficiency

Karla S. Owens, City Attorney