ORDINANCE NO. 09-26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO ACCESSORY USES AND STRUCTURES; AMENDING SECTION 10-1.101, DEFINITIONS, AMENDING CHAPTER 10, ARTICLE VI, DIVISION 8, ENTITLED SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES; AMENDING SECTION 10-6.802 ACCESSORY STRUCTURES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Section 10-1.101 of the Code of Laws of Leon County, Florida , is hereby amended to read as follows:

Section 10-1.101 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory use or structure shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and~~, except in the rural zoning district~~, which comprises no more than ~~33 percent~~ one third (1/3) of the floor area ~~or cubic volume~~ of the principal use or structure, except as otherwise permitted herein.

Section 2. Section 10-6.802 of the Code of Laws of Leon County, Florida, entitled, Accessory Structures, generally, Storage buildings, utility buildings, greenhouses, swimming pools, hot tubs, and similar structures is hereby amended to read as follows:

DIVISION 8. SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

Sec. 10-6.801. Purpose.

The purpose of this division is to provide supplementary development regulations for specific uses requiring additional development standards.

(Ord. No. 07-20, § 2, 7-10-07)

Sec. 10-6.802. Accessory structures.

(a) *Generally.* It is the purpose of this section to regulate the installation, configuration, and use of accessory structures, except for accessory dwelling units as provided set out in Section 10-6.803, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas. Any number of different accessory structures may be located on a parcel, provided that all of the following requirements are met:

(1) There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this article. For purposes of this section:

~~a. A barn or other storage building shall be considered a principal structure if the barn or other storage building is located on a metes and bounds parcel which is in a zoning district allowing agricultural uses, does not have a residential preservation overlay on the zoning district, and is outside of the urban service area.~~

~~b. A dock, boat house, or gazebo, when used exclusively for non-commercial recreational purposes, shall be considered a principal structure in any zoning district allowing residential development.~~

a. Barns and other buildings associated with agricultural or silvicutural uses shall be allowed within any zoning district allowing agriculture or silviculture as a principal use, whether or not any other principal use or structure is located on the premises, so long as the applicant provides an affidavit certifying that the building or structure will not be used for habitation. Application and review requirements for such structures shall be according to Section 10-7.402.6. In the absence of an executed affidavit, such structures

shall be construed to represent potential dwelling units and be subject to review accordingly.

b. A dock, boat house, or gazebo accessory building or structure, when used exclusively for non-commercial recreational purposes, may be allowed to be constructed prior to construction of a principal residential structure in any zoning district allowing residential development as a principal use, so long as the applicant provides an affidavit, to be recorded in the records of the Clerk of the Courts, certifying that the accessory structure will not be used for habitation and the principal structure, when constructed, will meet applicable size standards, based on proportional requirements set out herein. Boat houses and gazebos shall comply with applicable size limitations set out in subsection (2) below; docks shall be limited in size.

c. Electrical service shall only be provided to a principal or accessory structure, except that:

1. Electrical service may be provided for wells and pumps in any zoning district.

~~2. Electrical service may be provided for security lighting, tools, and various other agricultural-related reasons on a metes-and-bound parcel which is in zoning allowing agricultural uses, not a residential preservation overlay zoning district, and is outside of the .~~

2. Within those portions of zoning districts allowing agricultural uses or silvicultural uses not included in the Residential Preservation overlay, electrical service may be provided for the following purposes, regardless as to whether a principal or accessory structure has been permitted on the premises: security lighting, the utilization of power tools, and for agriculturally- and silviculturally-related purposes.

(2) All accessory structures shall be setback seven and one-half feet (7½) feet from any property line, except as otherwise permitted herein, ~~except where the permitted principal development setback is less, in which case the accessory structure shall comply with the~~

~~principal structure setback~~; and must comply with those applicable location, appearance, and size limits and standards established by zoning district, set out in the following chart:

Zoning District	Site location standards	Appearance requirements	Size limitations
All zoning districts inside USA, except RA zoning district; and, the RC zoning district	May be located in rear yard. May be located in required front yard or side corner yard when principal structure setback is at least 50' from the property line. The accessory structure must be setback at least 30' from front and side corner property lines.. Can be located in the side interior yard, but if in front of the front building façade line, must be setback at least 30' from side property line; if behind front façade line, must be setback at least 7 ½ ' from side property line.	When in required front yard or side corner yard, must be similar in architectural style to principal building. In other locations: No architectural requirements.	May be no greater than 1/3 of the size in floor area of the principal building.
LTUF, UF (except RP overlay), & RA zoning districts	May be located in rear yard. May be located in required front yard or side corner yard when principal structure setback is at least 50' from the property line. The accessory structure must be setback at least 30' from front and side corner property lines. Can be located in the side interior yard, but if in front of the front building façade line, must be setback at least 30' from side property line; if behind front façade line, must be setback at least 7 ½ ' from side property line.	No architectural requirements.	May be twice as large as the floor area of the principal building.
Rural (except RP overlay)	May be located in required front, rear, or side yards. Must comply with all applicable minimum yard setbacks.	No architectural requirements	No size limit
Outside USA in RP Overlay	May be located in rear yard. May be located in required front yard or side corner yard when principal structure setback is at least 50' from the property line. The accessory structure must be setback at least 30' from front and side corner property lines.. Can be located in the side interior yard, but if in front of the front building façade line, must be setback at least 30' from side property line; if behind front façade line, must be setback at least 7 ½ ' from side property line.	When in required front yard or side corner yard, must be similar in architectural style to principal building. In other locations: No architectural requirements.	May be no greater than 1/2 of the size in floor area of the principal building on parcels of one acre or greater size; otherwise, may be no greater than 1/3 of the size in floor area of the principal building.

(3) Accessory structures shall not be located in a required buffer ~~of~~ or landscape area. ~~Accessory structures can not be placed in the front yard or side corner yard.~~

(4) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff. Water surface area of a pool will not be considered part of impervious surface for stormwater calculations.

(5) Accessory structures shall be ~~show~~ shown on any site and ~~concept~~ development plan application.

(6) Accessory structures shall be located at least six feet from any other structure on the same lot.

(b) *Storage buildings, utility buildings, greenhouses.*

(1) No accessory buildings used for industrial storage of hazardous, incendiary, noxious or deadly materials shall be located nearer than 100 feet from any property line.

(2) Vehicles, including travel trailers, recreational vehicles, manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.

(c) *Swimming pools, hot tubs and similar structures.*

(1) Swimming pools shall be permitted only in side and rear yards. ~~, and shall not encroach into any required building setback.~~ Swimming pools that are accessory to an existing permitted principal residential structure shall not be limited in size ~~as a percentage~~ of the floor area ~~or cubic volume~~ of the principal structure as noted in the definition of in section 10-1.101 or in the minimum development standards for the applicable zoning district.

(2) Enclosures for swimming pools which have an impervious roof structure attached to the principal building, shall comply with standards for yard requirements and other accessory building location requirements of this article. Pool enclosures having pervious roofing, regardless of attachment to the principal building, shall not be required to comply with any setback or yard requirement. Minimum setback distances for swimming pools shall be measured from the edge of the water in the pool.

(3) All pools shall be completely enclosed within an approved wall, fence, or other substantial structure not less than four feet in height. The enclosure shall completely surround the pool and shall be of sufficient material to prohibit unrestrained admittance to the enclosed area, and shall incorporate the use of self-closing and self-latching doors.

(Ord. No. 07-20, § 2, 7-10-07)

Section 3. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 4. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Effective date.

This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 25TH day of August, 2009.

LEON COUNTY, FLORIDA

BY:_____
Bryan Desloge, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
Herbert W. A. Thiele, Esq.
County Attorney