

ORDINANCE NUMBER 90-12-214

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, HEREBY AMENDING THE LAND DEVELOPMENT REGULATIONS AS ADOPTED BY ORDINANCE NUMBER 90-01-172, INCLUDING ALL SUBSEQUENT AMENDMENTS THERETO; THIS ORDINANCE SPECIFICALLY AMENDING SECTION 24-151. ACCESSORY USES AND STRUCTURES, PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Atlantic Beach, pursuant to Chapter 163, Part II, Florida Statutes, Section 163.3164, Community Planning Act, and Section 24-4 of the Municipal Code of Ordinances, the City Commission has the authority to adopt and amend Land Development Regulations, and

WHEREAS, pursuant to such authority, the City has adopted a Comprehensive Plan, and has adopted regulations to guide the future use and development of lands within the City, and

WHEREAS, a public hearing to enact this Ordinance was held by the City Commission for the City of Atlantic Beach on March 26, 2012.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Chapter 24, Section 24-151, Accessory Uses and Structures, as set forth within the Land Development Regulations, is hereby amended and upon enactment shall read as set forth in Exhibit A, attached to and made part of this Ordinance.

SECTION 2. This Ordinance shall take effect immediately upon its final passage and adoption and shall be recorded in a book kept and maintained by the Clerk of the City of Atlantic Beach, Florida, in accordance with Section 125.68, Florida Statutes.

Passed on first reading by the City Commission of the City of Atlantic Beach the 12th day of March 2012. Passed on final reading and public hearing the 26th day of March 2012.

LOUIS "MIKE" BORNO, JR
Mayor | Presiding Officer

Approved as to form and correctness:

ALAN C JENSEN, ESQUIRE
City Attorney

Attest:

DONNA L BARTLE, CMC
City Clerk

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- 46 j. Skateboard, skating, bicycle or similar ramps, for use on private property only, placed or
47 constructed in fixed locations and made of wood, block, concrete or similar materials,
48 provided that these are not located within required front yards or the street side yards
49 on a corner lot. Due to excessive noise, which may result from the use of such ramps,
50 time of use shall be limited to the hours between 9:00 a.m. and 10:00 p.m. Such ramps
51 shall be maintained in a safe and good condition, and shall be disassembled and
52 removed from the property if allowed to deteriorate to an unsafe or unsightly
53 appearance.
- 54 k. Storage and tool sheds, not to exceed one hundred fifty (150) square feet and twelve
55 (12) feet in height. Only one (1) detached storage or tool shed shall be allowed on any
56 single residential lot, and such structures shall be a minimum distance of five (5) feet
57 from the rear and side lot lines.
- 58 l. Screened enclosures and pool cages with screened roofs or similar nonstructural roofs
59 such as awnings and the like, located a minimum of five (5) feet from any side or rear lot
60 line. Such screened enclosures shall not be allowed in front yards.
- 61 m. Personal pets, limited to those animals customarily considered as pets, and kept only on
62 the same premises of the occupant(s) of the principal residential building.
- 63 n. Outdoor shower enclosures and open exterior stairs within rear or side yards, located a
64 minimum of three (3) feet from side lot lines.
- 65 (2) In any zoning district, except as to private swimming pools.
- 66 a. All accessory uses and structures shall comply with the use limitations applicable to the
67 zoning district in which they are located. Space within an accessory structure shall not
68 be leased or used for any use, activity or purpose other than those typically incidental to
69 the use of the principal building.
- 70 b. No accessory structure shall be used as a residence, temporarily or permanently, except
71 in accordance with section 24-8889, and no accessory structure shall be used for any
72 commercial or business purpose unless approved as a home occupation in accordance
73 with the provisions of section 24-159 of this chapter.
- 74 o.
- 75 p.c. Unless otherwise specified within this section, all accessory structures shall comply with
76 the land development regulations, including the minimum yard requirements applicable
77 to the zoning district in which they are located.
- 78 q.d. Unless otherwise specified within this section, accessory uses and structures shall not be
79 located within required front yards and shall not be closer than five (5) feet from any lot
80 line.
- 81 r. ~~No accessory structure shall be used as a residence, temporarily or permanently, except~~
82 ~~in accordance with section 24-88, and no accessory structure shall be used for any~~
83 ~~commercial or business purpose unless approved as a home occupation in accordance~~
84 ~~with the provisions of section 24-159 of this chapter.~~
- 85 e. Accessory structures shall not be more than fifteen (15) feet in height, except in
86 accordance with section 24-88 89 or preceding subsection (b)(1)de. ~~Space within an~~
87 ~~accessory structure shall not be leased or used for any use, activity or purpose other~~
88 ~~than those typically incidental to the use of the principal building.~~
- 89 s.f. No accessory building or structure shall be located closer than five (5) feet to any other
90 building or structure on the same lot. Any accessory building or structure located closer
91 than five (5) feet to a principal structure shall be considered attached, and shall comply
92 in all respects with the lot, yard and scale limitations applicable to the zoning district in
93 which they are located.

EXHIBIT A

Section 24-151. Accessory uses and structures.

- (a) Authorization. Accessory uses and structures are permitted within any zoning district, as set forth within this section, where the accessory uses or structures are clearly ancillary, in connection with, and incidental to the principal use allowed within the particular zoning district. Any permanently located structure, including porches, decks and deck railings and the like, which exceed thirty (30) inches in height, also including those which may not require a building permit, are subject to applicable yard requirements unless otherwise provided for within this section. Any accessory structure, if allowed to deteriorate to an unsafe, deteriorated or unsightly appearance, shall be repaired or removed upon order of the city, and shall become subject to code enforcement action for failure to comply. However, temporary structures, such as portable tents, canopies, awnings or other nonpermanent structures shall be limited to special occasion use only, and for a period of not more than ninety-six (96) hours, i.e., four (4) days.
- (b) Accessory uses and structures by zoning district.
- (1) Within all residential zoning districts.
- a. Antenna structures for television and radio, but not microwave relay or commercial transmission structures, television and radio antennae of the customary size and design shall not count as accessory structures for the purposes of determining the number of such structures, provided that only one (1) such structure is permitted per residence.
 - b. Children's playhouse and/or juvenile play equipment provided such shall not be permanently located within required front yards.
 - c. Guest house or guest quarters, provided that such are used only for intermittent and temporary occupancy by a nonpaying guest or family member of the occupant of the primary residence. A guest house or guest quarters shall not be rented for any period of time and shall not contain a kitchen, but may contain a kitchenette as defined herein. Further, a guest house or guest quarters shall not be used as, or converted to a dwelling unit. A detached guest house or guest quarters shall not exceed the number of buildings allowed on a lot as set forth within subsection 24-82(b).
 - d. Detached private garages, carports, guest houses or guest quarters, not to exceed six hundred (600) square feet of lot area and fifteen (15) feet in height, except in accordance with section 24-88 89 or the provisions of the following paragraph. Only one (1) detached private garage, carport, guest house or guest quarters shall be allowed on any single residential lot, and shall be a minimum distance of five (5) feet from rear and side lot lines. Such detached structures exceeding six hundred (600) square feet of lot area shall comply with applicable setbacks as established for the principal building.
 - e. Detached private garages, not to exceed six hundred (600) square feet of lot area may be constructed to a height of twenty-five (25) feet provided that such structures shall comply with applicable side yard requirements and shall be a minimum distance of ten (10) feet from the rear lot line.
 - f. Gazebos and similar structures, not to exceed one hundred fifty (150) square feet and twelve (12) feet in height and a minimum distance of five (5) feet from the rear and side lot lines.
 - g. Private swimming pools in accordance with section 24-164.
 - h. Home office (but not home occupation).
 - i. Private ball courts and other similar private recreational uses.