

CITY OF HOLMES BEACH
ORDINANCE 24-05

8.d

AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA AMENDING PART III, LAND DEVELOPMENT CODE, ARTICLE I, GENERAL, SECTION 1.4, DEFINITIONS, BY MODIFYING THE DEFINITION OF ACCESSORY STRUCTURE; AMENDING ARTICLE VI, ZONING, DIVISION 4, SUPPLEMENTAL DEVELOPMENT STANDARDS, SECTION 6.8.B, ACCESSORY STRUCTURE, BY DELETING EXISTING 6.8 (B); CREATING A NEW SECTION ARTICLE VIII – GENERAL SITE DESIGN STANDARDS, DIVISION 7 – ACCESSORY STRUCTURES, SECTION 8.26, ACCESSORY STRUCTURES; ADDING AN APPLICABILITY STATEMENT, AND DEVELOPMENT AND BULK REGULATIONS FOR ACCESSORY STRUCTURES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202 (1), Florida Statutes, requires that the City of Holmes Beach adopt or amend and enforce land development regulations that are consistent with and implement the City’s Comprehensive Plan; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the City of Holmes Beach was accepted for participation in the National Flood Insurance Program on June 11, 1971, and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt floodplain management regulations that are coordinated with the Florida Building Code; and

WHEREAS, Section 163.3202 (3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code; and

WHEREAS, from time to time, amendments and revisions to the City’s adopted Comprehensive Plan, progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the City’s land development regulations; and

WHEREAS, the City of Holmes Beach’s Code of Ordinances and Land Development Code presently does not adequately regulate accessory structures; and

WHEREAS, the City of Holmes Beach City Commission desires to have accessory structure regulations consistent with the recently adopted Floodplain Ordinance, Ordinance No. 23-01; and

WHEREAS, the City Commission of Holmes Beach recognizes the desire of private property owners to construct accessory structures for storage of cars, personal items, etc.; and

WHEREAS, these land development regulations are not more restrictive or burdensome and are in fully compliance with 2023 Fla. Sess. Law Serv. Ch. 2023-304 (C.S.C.S.B. 250).

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WHEREAS, on [DATE], the City of Holmes Beach Planning Commission, as the City’s Local Planning Agency, held a public hearing to consider this ordinance and passed a motion to recommend adoption of same to the City Commission; and,

WHEREAS, the City Commission agrees with the recommendations of the Local Planning Agency and finds that the proposed land development regulations are consistent with the City’s Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Holmes Beach, Florida:

Section 1. The above referenced "whereas" clauses are adopted herein as findings of fact.

Section 2. The City’s Land Development Code, Article I, General, Section 1.4, Definitions, shall be amended as follows:

1.4 – Definitions.

....

Unless the context shall clearly require otherwise, the following terms shall have the following meanings for the purposes of this ordinance:

....

Accessory structure: ~~A structure, any part of which is located more than 36 inches above the ground, and which structure is customarily incidental to, and located on the same parcel or lot as, the principal use and structure.~~ A structure, any part of which is located more than 36 inches above the ground, on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may not be used for human habitation. For floodplain management purposes, this term includes only those accessory structures used for parking and storage.

Section 3. Article VI (Zoning), Division 4, Supplemental Development Standards, Section 6.8 (B), Location of Accessory Structures, of the City of Holmes Beach Lande Development is hereby deleted in its entirety.

Section 4. Article VIII – General Site Design Standards, Division 7 – Accessory Structures, Section 8.26 – Accessory Structures, is hereby created as follows:

**ARTICLE VIII – GENERAL SITE DESIGN STANDARDS
DIVISION 7 – ACCESSORY STRUCTURES**

8.26 – Accessory structures.

1. Applicability. This division provides minimum regulations for those accessory structures customarily incidental and subordinate to the principal use or building, which are not specifically regulated elsewhere in this chapter.

- 82 2. Development regulations for accessory structures. All accessory structures shall comply with the
83 following requirements:
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- 85 a. Accessory structures may be built concurrently with a principal structure. No accessory
86 building or structure may be erected, placed, or moved onto a lot or parcel prior to the
87 principal building or structure except for docks, boat davits, boat lifts and revetments, and
88 any accessory seawalls and erosion control structures, including retaining walls.
89
- 90 3. Flood prevention. Accessory structures are permitted below the base flood elevation provided the
91 accessory structures are used only for parking or storage and:
92
- 93 a. Located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas,
94 are one-story, not larger than 600 sq. ft., and have flood openings in accordance with
95 Section R322.2 of the Florida Building Code, Residential.
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- 97 b. Located in coastal high hazard areas (Zone V/VE), are not located below elevated
98 buildings, are one-story and are not larger than 100 sq. ft.
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- 100 c. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
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- 102 d. Have flood damage-resistant materials used below the base flood elevation plus three (3)
103 feet.
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- 105 e. Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated
106 to or above the base flood elevation plus three (3) feet or elevation approved by the Florida
107 Department of environmental Protection for coastal high hazard areas and areas west side
108 of the coastal construction line (CCCL).
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- 110 4. Location, setbacks, and lot coverage. All accessory structures are subject to lot coverage and
111 impervious surface coverage requirements, required setbacks as provided for within the applicable
112 zoning district except as otherwise permitted under Section 6.8(Z), Permitted Setback
113 Encroachments.
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- 115 5. Separation. Accessory structures shall be located at least ten (10) feet from any principal structure
116 located on the same lot. Accessory structures may be connected to any principal structure by a
117 roofed porch, patio or breezeway, or similar structure provided the separation requirement is met.
118 Any structure which is structurally part of the principal structure shall not be considered an
119 accessory structure and shall comply in all respects with the regulations for a principal building.
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- 121 6. Height. Accessory structures shall comply with the height limitations for principal structures and
122 requirements of the City's floodplain regulations. In no event shall any accessory structure exceed
123 the height of a principal structure located on the same lot or parcel unless specifically exempted by
124 Section 6.8 (C) of the City's Land Development Code.
125

126 **Section 4.** If any word, portion, clause, or other part of this ordinance is deemed unconstitutional or
127 unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions
128 thereof shall be unaffected thereby.

129 **Section 5.** This ordinance shall be effective upon adoption by the City Commission and approval by the
130 Mayor in accordance with the Charter of the City of Holmes Beach.

131 **PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular**
132 **session assembled, this _____ day of _____, 2024.**

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134 **First Reading:** _____

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136 **Publication Date:** _____

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138 **Second Reading and Public Hearing Date:** _____

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Terry Schaefer

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Carol Soustek

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Pat Morton

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Dan Diggins

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Greg Kerchner

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156 **APPROVED BY ME THIS _____ DAY OF _____, 2024**

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Judy Titsworth, Mayor

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163 **ATTEST:** _____
164 **Stacey Johnston, MMC, City Clerk**