

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA; AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, OF THE CITY OF WINTER SPRINGS CODE OF ORDINANCES TO CLARIFY REQUIREMENTS RELATED TO ACCESSORY BUILDINGS EXCEEDING A CERTAIN SIZE; MODIFY SETBACKS FOR SCREEN ENCLOSURES/ROOMS; MODIFY REGULATIONS RELATED TO CONSTRUCTION MATERIALS FOR FENCES AND WALLS AND REQUIRED DISTANCE FROM PROPERTY LINES; CORRECTING SCRIVENOR'S ERRORS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission desires to adopt miscellaneous amendments to Chapter 6, related to Buildings and Building Regulations, including those regarding accessory buildings over 240 square feet in size, setbacks for screen enclosures/rooms, and construction materials and placement of fences; and

WHEREAS, pursuant to the Florida Community Planning Act and the City Code, the City's Planning & Zoning Board/Land Planning Agency has reviewed and recommended adoption of this Ordinance at a duly held public meeting; and

WHEREAS, the City Commission of the City of Winter Springs, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Winter Springs.

Section 2. Code Amendment. Chapter 6 – Buildings and Building Regulations, of the City Code is hereby amended as follows: (underlined type indicates additions to the City Code and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from this Ordinance of text existing in Chapter 6. It is intended that the text in Chapter 6 – Buildings and Building Regulations denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS

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ARTICLE III. – BUILDING CONSTRUCTION STANDARDS

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Sec. 6-84. Accessory buildings.

- (a) *General.* Accessory building means a detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include storage buildings, toolhouses, private, detached garages, bathhouses (used in conjunction with swimming pool) and similar uses. No more than two (2) accessory buildings shall be allowed on any single lot. Accessory dwelling units (ADUs) shall be subject to section 6-85 of this Code and are not subject to the provisions of this section.
- (b) *Height and size restrictions.* The maximum height of an accessory building shall be twelve (12) feet measured from ground level. The maximum size of any structure shall be two hundred forty (240) square feet.
- (1) Detached, accessory buildings may exceed twelve (12) feet in height or the maximum size of two hundred forty (240) square feet, provided the city manager or designee determines that each of the following criteria is satisfied:
- The accessory building does not exceed one-third ($\frac{1}{3}$) of the air-conditioned square footage area of the principal structure;
 - The accessory building shall replicate the design of the principal structure by use of similar exterior wall materials and colors ~~is compatible and harmonious with the principal structure and the surrounding land uses and structures;~~
 - The accessory building will not adversely impact land use activities in the immediate vicinity;
 - The height of the proposed accessory building does not exceed the height of the principal structure; and
 - The accessory building shall meet the requirements of the applicable zoning district including setback and maximum lot coverage.

* * *

Sec. 6-86. Screen enclosures/rooms.

- (a) *Definition.* For purposes of this section, the term "screen enclosure" shall mean an enclosure consisting entirely of screen mesh, except for minimum essential structural framework required for its support. The term "screen room" shall mean an enclosure consisting of walls

of insect screening with or without removable vinyl or acrylic wind break panels, and a roof of insect screening, plastic, aluminum or similar lightweight material.

- (b) *Setbacks.* The screen enclosure/room shall meet all code requirements for front and side yard setbacks which are applicable to the subject property. Notwithstanding any other applicable rear setback requirement, the screen enclosure/room shall not be located any closer than ~~seven (7)~~ six (6) feet from the rear property line of the subject property. On lakefront property, no screen enclosure/room shall be located any closer than twenty-five (25) feet from the shoreline, as determined by the existing or established high-water control level.

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ARTICLE V. – FENCES, WALLS, HEDGES

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Sec. 6-187. Construction materials.

All fences and walls must have reasonably uniform or complimentary materials and design. Fences and walls constructed within the city shall ~~conform to~~ be constructed of one (1) of the following:

- (a) Wood fences constructed of rot-and termite-resistive species of wood or chemically pressure-treated to resist rot and termite ~~attack~~ damage. Wood fences shall be constructed to have the “finished” side facing outward from the property unless otherwise approved by the Community Development Department
- (b) ~~Street~~ Steel posts and wire fabric fences with fabric of a minimum of eleven gauge galvanized or other non-corrodible metal.
- (c) Ornamental iron.
- (d) Ventilated concrete, stone, or masonry.
- (e) Decorative PVC or aluminum, structurally sound to maintain spans.

* * *

Sec. 6-191. Corner lots.

- (a) In order to ensure visibility and safety for pedestrians, and to provide clear sight lines for traffic entering an intersection, no fence, wall or other visual obstruction shall be erected, within twenty-five (25) feet of the intersecting property line corner adjacent to the street intersection corners.
- (b) When the side of the ~~principle~~ principal structure on a corner lot faces a road right-of-way on which adjacent dwellings have frontage, then any fence located on the corner lot shall be

subject to the height limitations set forth in section 6-190(a) to permit a clear field of visibility for pedestrians and/or vehicles entering or exiting the adjacent property.

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Sec. 6-193. ~~Distance from property line.~~ Reserved

~~Fences, walls or other visible obstructions must be at least three (3) inches from property lines, except adjacent property owners may connect or otherwise attach their respective fences and walls in order to eliminate any gap or space between the fences and walls. The property owner's mutual written consent must be provided on a form acceptable to the city prior to the city permitting any such connection or attachment.~~

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Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts or ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Incorporation into Code. This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall become effective upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the ____ day of _____, 2024.

Kevin McCann, Mayor

ATTEST:

Christian Gowan, City Clerk

**APPROVED AS TO LEGAL FORM
AND SUFFICIENCY FOR THE CITY
OF WINTER SPRINGS ONLY:**

Anthony A. Garganese, City Attorney

Legal Ad:
First Reading:
Legal Ad:
Second Reading: