

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kelly Carson, Planning Director
Via: City Manager Jon C. Williams
Date: June 4, 2026 **Meeting Date:** June 11, 2026
Subject: **Ordinance 26-17**
Issue: Amending City of Winter Garden Code of Ordinances regarding accessory structures and accessory buildings.

Discussion:

Ordinance 26-17 amends multiple sections of the City of Winter Garden’s Land Development Code to clarify standards for accessory structures & accessory buildings and formally expand where accessory dwelling units (ADUs) are permitted throughout the City. The ordinance allows ADUs as a permitted accessory use in several residential zoning districts, including R-1A, R-1, R-1B, R-2, R-4, R-5, R-NC, RNC-2, PUD, UVPUD, and CAPUD districts, subject to specific development standards. The ordinance also updates and refines definitions for accessory buildings, accessory structures, detached garages, front porches, and principal structures in order to improve clarity, consistency, and administration of the City’s code.

This ordinance is establishes detailed design and placement standards for detached garages and ADUs. The ordinance requires detached garages and ADUs to generally be located behind the principal structure, establishes setback, height, and architectural compatibility requirements, and encourages alley-loaded access to minimize the visual impact of garages on streetscapes. It also permits front porches to encroach into required front setbacks to reinforce traditional neighborhood design patterns. For ADUs, the ordinance establishes standards related to size, parking, owner occupancy, utilities, rental restrictions, and compatibility with the principal residence, while also clarifying that ADUs do not count toward density calculations and may not be sold separately from the primary home.

Recommended Action:

Staff recommends approval of Ordinance 26-17, with the second reading and adoption anticipated to be on June 25, 2026.

Attachment(s)/References:

Ordinance 26-17
Business Impact Estimate

ORDINANCE 26-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98, SECTION 98-192 TO CLARIFY THE SETBACK REQUIREMENTS FOR DETACHED GARAGES IN THE HISTORIC DOWNTOWN DISTRICT OVERLAY; AMENDING CHAPTER 118, SECTIONS 118-263, 118-303, 118-348, 118-393, 118-453, 118-473, 118-487, 118-511, 118-513, 118-514, 118-518, 118-523, 118-858, 118-1064, AND 118-1090 TO ADD ACCESSORY DWELLING UNITS AS PERMITTED ACCESSORY USES IN THE R1-A, R-1, R-1B, R-2, R-4, R-5, R-NC, RNC-2, PUD, UVPUD, AND CAPUD ZONING DISTRICTS; AMENDING CHAPTER 118, SECTION 118-1310 RELATING TO ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES TO AMEND AND CLARIFY DEVELOPMENT REQUIREMENTS ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS INCLUDING SPECIFIC PROVISIONS FOR DETACHED GARAGES, FRONT PORCHES, AND ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has identified the need to clarify setback requirements and placement standards for detached garages in order to promote rear-loaded access and minimize the visual impact of garages on public streets; and

WHEREAS, the City desires in its residential areas to preserve and reinforce traditional development patterns, architectural character, and pedestrian-oriented designs of those neighborhoods; and

WHEREAS, the City Commission finds that clear and consistent dimensional standards for detached garages are necessary to ensure compatibility with a traditional development pattern and to maintain appropriate building placement and streetscape character; and

WHEREAS, the City Commission further finds that refining the definitions and development standards for detached garages and front porches will improve the clarity, administration, and enforceability of the City's Land Development Regulations; and

WHEREAS, the allowance for front porch encroachments into required front setbacks is consistent with traditional neighborhood design principles and supports pedestrian interaction, neighborhood character, and architectural compatibility; and

WHEREAS, the City Commission recognizes that accessory dwelling units provide opportunities for diverse and attainable housing options, support multigenerational living arrangements, and allow for more efficient use of existing residential properties while maintaining neighborhood character; and

WHEREAS, the proposed amendments are consistent with the goals, objectives, and policies of the City’s Comprehensive Plan, including those related to community character, urban design, and compatible infill development; and

WHEREAS, the City Commission in good faith determines that this Ordinance is in the best interest of the City and its residents and promotes the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 3. City Code Amendment. Chapter 98, Section 98-192 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 98-192. – General Criteria and Standards.

(6) *Lot Layout.* New buildings, additions and alterations shall be designed so that the front facades of the buildings are closely aligned with other buildings on the block to maintain a uniform setback.

(a) Residential lot layout.

i. Setbacks: Setbacks apply to ~~both principal and accessory~~ structures and all accessory buildings over 160 square feet, except for detached garages and accessory dwelling units as noted below. Residential lot development shall have the following setbacks:

1. Front yard: 20 feet;
2. Rear yard: 25 feet or 15 feet from center of alley;
3. Side yard: Five feet; when a side yard is located adjacent to a street, the side yard setback shall be seven and one-half feet.

In the case of an infill lot, the setbacks shall match one or more of the existing setbacks on adjacent properties.

(b) New open porches, balconies, stoops and bay windows shall be permitted to encroach into the front yard by a maximum of ten feet or half the distance of the side setback.

(c) Garages and accessory dwelling units. Garages shall be detached and located ~~behind the principal structure~~ rearward of the rearmost point of the principal structure. Shared driveways are encouraged. Adjacent single-wide garage doors are preferable to a double-wide garage door when visible from the street. Driveways shall not exceed ten feet in width at the sidewalk. When an alley to the rear of the structure is present, garages shall be positioned so as to open onto such alley. A roof extension or covered walkway from residence to a garage is permitted, provided that such extension or cover is compatible and consistent with the architectural style of the roof of the principal structure. Garages shall be subject to the detached garage setback requirements of Section 118-1310.

An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 4. City Code Amendment. Chapter 118, Section 118-263 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-263. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-1A single-family residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses, no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 5. City Code Amendment. Chapter 118, Section 118-303 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-303. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-1 single-family residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 6. City Code Amendment. Chapter 118, Section 118-348 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-348. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-1B single-family residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 7. City Code Amendment. Chapter 118, Section 118-393 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-393. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-2 residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign,

unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 8. City Code Amendment. Chapter 118, Section 118-453 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-453. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-4 zoning districts are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Home occupations shall have no customers or employees visiting the site. Only inside storage of material and goods is allowed. No outdoor assemble or work is allowed as part of the home occupation. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 9. City Code Amendment. Chapter 118, Section 118-473 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-473. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-5 zoning districts are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Home occupations shall have no customers or employees visiting the site. Only inside storage of material and goods is allowed. No outdoor assemblage or work is allowed as part of the home occupation. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 10. City Code Amendment. Chapter 118, Section 118-487 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-487. – Permitted uses and structures.

Permitted principal and accessory uses and structures in the R-NC residential-neighborhood commercial district are as follows:

- (1) Single-family and two-family dwellings.
- (2) Public schools and private schools with academic curriculums similar to those in public schools.
- (3) Churches.
- (4) Public parks, playgrounds in keeping with the character and requirements of the district.
- (5) An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 11. City Code Amendment. Chapter 118, Sections 118-511, 118-513, 118-514, 118-518, and 118-523 of the Winter Garden Code of Ordinances are hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-511. – Definitions.

In addition to the definitions found in section 118-486, the following definitions apply to the RNC-2 zoning district:

Accessory dwelling unit or garage apartment. ~~(As defined in section 118-1310), is a secondary dwelling unit that is in compliance with the Florida Residential Building Code latest edition (kitchen and bathroom facilities) and is either attached or detached and subordinate to the permitted principal dwelling unit in accordance with the provisions of this chapter. Accessory dwelling units are intended to be secondary and accessory to the main structure. An accessory dwelling unit must have a minimum living area of 300 square feet of but shall not have over 700 square feet of living area. In addition, an accessory dwelling unit shall occupy no more than 40 percent of the total heated, above grade floor area of the main dwelling unit. An accessory dwelling unit shall be located on the same lot or parcel as the main (or parent) dwelling unit and shall be considered a multifamily dwelling unit for the purpose of assessing impact fees. Only one accessory dwelling unit shall be allowed per parcel. No accessory dwelling units shall be allowed~~

~~on lots containing two or more attached dwelling units such as duplexes, townhomes, tandem housing and apartments.~~

Tandem housing. (As defined in section 118-519).

Sec. 118-513. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the RNC-2 zoning district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Only inside storage of material and goods is allowed. No outdoor assembly or work is allowed as part of the home occupation. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

Sec. 118-514. – Special Exceptions.

Special exception uses and structures in the RNC-2 zoning districts are as follows:

- (1) Existing rooming houses (as allowed as a special exception in the R-NC zoning district).
- (2) Convalescent homes and nursing homes.
- (3) Public and private clubs and lodges not involved in the conduct of commercial activities.
- (4) Cultural facilities.
- (5) Day care facilities.
- (6) Multifamily buildings.
- (7) Single family attached housing (townhomes).
- (8) Funeral homes.
- (9) Tandem housing (as defined in section 118-519).
- (10) Unless specifically prohibited, any commercial business that are identified as a permitted principal use in the C-4 zoning district providing the parcel fronts and the building faces center street and is of a nature and intensity that will not negatively affect the adjacent residential neighborhood. Note: In order to protect the adjacent neighborhood, conditions such as number of deliveries, type and volume of services and goods sold, and hours of operation will be appropriate conditions of approval.
- (11) Upper story residential, above commercial uses.

~~(12) Accessory dwelling unit or garage apartment as defined in section 118-511 maximum one accessory dwelling unit per each single family lot with conditions set by the P and Z board concerning size, maximum number of occupancies, and nature of the use, and providing the owner of the property lives in either the main structure or the accessory dwelling unit or garage apartment.~~

~~(13)~~Other uses of similar nature and intensity as approved by the planning and zoning board.

~~(14)~~Any structure exceeding the maximum height requirement.

Sec. 118-518. – Minimum yard requirements.

In the RNC-2 zoning district, the minimum yard requirements are as follows:

...

~~(7) Accessory dwelling unit. Five feet for rear and side yard setbacks. Additional setback may be required as a condition of approval of the SEP. No accessory dwelling unit may be located in the front yard or the street side yard of a corner lot. See section 118-1310.~~

Sec. 118-523. – Minimum living area.

Each residential unit constructed in the RNC-2 zoning district constructed after January 1, 2007, must have the following living area:

...

~~(3) Accessory dwelling unit: Minimum living area of 300 square feet and a maximum living area of 700 square feet or 40 percent of the living area of the main unit, whichever is less. See section 118-1310.~~

SECTION 12. City Code Amendment. Chapter 118, Section 118-858 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-858. – Permitted uses.

Uses permitted in the planned unit development (PUD) may include and shall be limited to the following:

(1) *Primary residential uses.* Primary residential uses permitted are single-family detached and multifamily residential dwelling units, including apartments, in semidetached, attached, and multistoried structures. The term "residential planned unit development" as used in this article shall mean a planned unit development with primary residential uses and in addition may contain nonresidential uses as provided in subsection (2). An accessory dwelling unit (ADU) shall be permitted as an accessory use in a residential planned unit development, unless otherwise restricted

by the development's specific PUD ordinance, subject to the applicable standards and requirements of Section 118-1310.

SECTION 13. City Code Amendment. Chapter 118, Section 118-1064 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-1064. – General requirements.

- (a) The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan.
- (b) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden (Dated January 24, 2007) as approved by the city commission, as such may be amended from time to time.
- (c) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the resource protection overlay as established by the city's comprehensive plan. In the event of a conflict or conflicts between the urban village planned unit development zoning district and the resource protection overlay, the resource protection overlay shall control to the extent such conflict exists.
- (d) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per gross acre. However, certain neighborhoods may use residential clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for nonresidential development is 0.3 floor area ratio.
- (e) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.
- (f) New development shall connect to city utilities, potable water, sanitary sewer, and reclaimed water when available.
- (g) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.
- (h) ~~Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 50 percent of the residential units in the urban village planned unit development.~~ An accessory dwelling unit (ADU) shall be permitted as an accessory use in an urban village planned unit development, unless otherwise

restricted by the development's specific UVPUD ordinance, subject to the applicable standards and requirements of Section 118-1310.

SECTION 14. City Code Amendment. Chapter 118, Section 118-1090 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-1090. – Permitted uses/development standards.

The permitted uses within the CAPUD shall be an aggregation of uses permitted by the previously existing zoning classifications of lands included within the development except as prohibited or restricted by the provisions of the east plant street character area and its overlay districts as set forth in article XIV or inconsistent with the comprehensive plan future land use designations of the lands. In aggregating permitted uses within a CAPUD, the mixture of uses may be limited by minimum and maximums of densities and intensities for each type of use. Any use not specifically set forth as a permitted use or special exception use in the CAPUD shall be prohibited. A CAPUD shall incorporate the requirements of article XIV except to the extent the city commission approves deviations to allow flexibility in the development. There are no minimum acreage requirements for CAPUD zoning. An accessory dwelling unit (ADU) shall be permitted as an accessory use for any single-family residential lot in a character area planned unit development, unless otherwise restricted by the development's specific CAPUD ordinance, subject to the applicable standards and requirements of Section 118-1310.

SECTION 15. City Code Amendment. Chapter 118, Section 118-1310 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-1310. – Generally.

(a) *Definitions.* For the purpose of this section, the following will be used as definitions:

Accessory buildings. An accessory building for both residential and nonresidential development is defined as a ~~building~~ vertical structure with a solid roof that is detached and clearly subordinate to the principal structure.

- ~~(1) Is detached from the principal building;~~
- ~~(2) Is clearly a supplementary use to the principal building; and~~
- ~~(3) The total square footage of all accessory buildings are less than 50 percent of the size of the principal building.; and~~
- ~~(4) Is not intended for human habitation.~~

Examples include storage buildings, residential green houses, detached garages, gazebos, covered porches (excluding front porches), accessory dwelling units, etc. Attached accessory buildings must comply with all setbacks and zoning regulations of the principal structure.

Accessory structures. An accessory structure is a vertical or horizontal (at-grade) structure that does not provide shelter from the elements and is either attached to or detached from the principal structure. Examples include swimming pools and pool screening and decking, Bar-B-Q pits, decks, at-grade patios, pergolas with open lattice roofs, etc. Not included in the definition of accessory structures and not regulated by this division of code are driveways, fences, walls, bird baths, and decorative ponds, and at grade patios.

Accessory Dwelling Units (ADUs). An accessory dwelling unit (ADU) means an ancillary or secondary living unit that has a separate kitchen, full bathroom, and living/sleeping area, existing within the same lot as the principal structure but not connected to it internally by enclosed living space.

Carports. A carport is structure that is open on at least two sides, consisting of a solid roof and either walls or columns for the purpose of sheltering vehicles. Carports can be either attached or detached to the principal structure.

Detached Garages. A detached garage is an accessory building designed and primarily used for the parking and storage of motor vehicles and incidental household items, which is not physically connected to the principal structure by a common wall or by enclosed living space. Detached garages may include living space above or adjacent to the vehicular storage area, including a dwelling unit subject to applicable regulations governing accessory dwelling units. A detached garage shall be considered the primary building for vehicular storage on a lot; any other detached structure used for vehicle storage, storage of materials, or other uses shall be classified as an accessory building and shall not be considered a detached garage for the purposes of this section.

Front Porches. A front porch is roofed structure attached to the front façade (and sometimes side façade for a wrap-around porch) of a principal structure, open to the air on at least two sides, and designed for pedestrian access and outdoor use. A front porch may be enclosed by railings or screens but shall not be fully enclosed with walls or conditioned as interior living space.

Greenhouses. A greenhouse is a building constructed for the primary purpose of cultivation, growing, and protection of plants.

Off-site constructed residential dwelling means as defined by Florida Statutes section 553.385 (2026), as may be amended, that complies with the Florida Building Code and is installed onsite on a permanent foundation.

Principal Structures. A principal structure is a building or structure in which the primary use of a lot or parcel is conducted or intended to be conducted. A principal structure is distinguished from accessory buildings and structures by serving the dominant or central function of the site.

- (b) General requirements. ~~In general, accessory buildings and structures must be located in the rear or side yards and must be five feet from the property lines.~~ Accessory buildings and structures cannot be located within any easements. ~~Accessory buildings and structures located in the street side of a corner lot must comply with the side yard setbacks of the principal building.~~ Accessory buildings and structures must be constructed simultaneously with, or following, the construction of the principal building structure, and shall not be used until after the principal building structure has been erected.

Accessory buildings and structures shall be designed to blend aesthetically with the principal building structure. Detached accessory building and structure walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height unless otherwise noted below. Attached accessory buildings and structures may not exceed the height of the principal structure. ~~No accessory building may be located in the front yard or within any recorded easement.~~ No more than two such accessory buildings may be located on any lot, which includes detached garages and accessory dwelling units.

- (c) Accessory Structures. All accessory structures are required to be located at least five feet from the side and rear property lines, with the exception that vertical accessory structures shall have the same side yard setback as the principal structure when located on the street side of a corner lot. Horizontal, at-grade structures may be located in the front yard, but must be set back at least five feet from the front property line. Vertical accessory structures may be located in the front yard if they are attached to the principal structure and meet the setback requirements of the principal structure.
- (d) Accessory buildings. The total square footage of all accessory buildings on a property shall be less than 50 percent of the size of the principal structure.

(1) Accessory buildings—160 square feet or less. Accessory buildings that are detached from the principal building structure and are 160 square feet or less shall be:

- a. Located no less than five feet from a side or rear property line, and have the same sideyard setback as the principal building structure when located on the street side of a corner lot;
- b. ~~Be closer than four feet to any other accessory building on the same lot~~ If an accessory building is an open-air structure with only a roof and columns, there shall be no separation requirement from other structures or buildings. If the accessory building has walls or any enclosed area(s), it must meet the separation requirements of the Florida Building Code; and

c. Shall not be allowed to project beyond the established front building line of the principal ~~building~~ structure or otherwise be located in the front yard.

(2) *Accessory buildings—Greater than 160 square feet.* An accessory building greater than 160 square feet - excluding detached garages and accessory dwelling units as defined above - shall comply with the above requirements with the following exceptions:

a. An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure.

b. ~~An accessory building greater than 160 square feet must be separated from the principal structure by a minimum of ten feet~~ If an accessory building is an open-air structure with only a roof and columns, there shall be no separation requirement from other structures or buildings. If the accessory building has walls or any enclosed area(s), it must meet the separation requirements of the Florida Building Code.

c. ~~An accessory building greater than 160 square feet shall not occupy more than 25 percent of the rear yard.~~

(3) *Open eCarports.* ~~Detached or attached open carports consisting of a roof and members for support,~~ shall be located in either the front or side yard and must comply with all the setbacks of the principal ~~building~~ structure of the zoning district of the property.

(4) *Location criteria.* ~~No accessory building may be located in the front yard.~~

~~(d) *Accessory structures.* All accessory structures (i.e. structures that do not offer shelter from the weather such as Bar-B-Q pits, decks, swimming pools, residential dog houses, etc.) are required to comply with the location criteria and setbacks regulations as identified for accessory buildings. With the exception of the sideyard of the street side of a corner lot, attached and detached pools, pool screens, and pool decking may be located up to five feet of the side and rear property lines.~~

(e) *Prohibited accessory buildings and structures.* The following accessory buildings and structures are prohibited in all zones:

1. Tents (when used over a two-week period) unless approved by the city commission.
2. Trailers and mobile homes (when used as an accessory building), except for off-site constructed residential dwelling installed on a permanent foundation and meeting all Florida Building Code and land development regulations.
3. Shipping containers (except on a temporary basis on an active construction site).

(f) *Lot coverage Impervious Surface Ratio.* The area of accessory buildings is included in the total ~~lot coverage~~ impervious surface ratio calculations. This total area must not

exceed the maximum ~~lot coverage~~ impervious surface ratio as identified in the specific zoning district.

(g) *Greenhouses shall be considered only by special exception.* All greenhouses shall be designed to blend aesthetically with the principal ~~building structure~~ and shall be constructed of permanent building materials such as metal, glass or wood although composite materials may be considered. Greenhouses shall not be constructed of temporary materials such as plastic, visqueen or cloth. Also, fiberglass shall not be used in the construction of greenhouses.

(h) *Shed/Storage buildings—160 square feet or less.* Construction or installation of storage buildings that are 160 square feet or less in area shall not require submission of building plans, but shall be subject to all other relevant requirements under this section, the city code, and the Florida Building Code, as may be applicable.

(i) Detached Garages.

- 1) Setbacks. Detached garages shall be located rearward of the rearmost point of the principal structure.
 - a. Front: Detached garages are not permitted in the front yard.
 - b. Side interior: 5' minimum.
 - c. Side corner: Detached garages shall not be located closer to a side corner than the principal structure.
 - d. Rear: 5' minimum for single-story garages; two-story garages shall have the same rear setback requirements as the principal structure or 15', whichever is less.
 - e. Alley: 5' minimum for alley-loaded garages, except when designed for driveway parking depth, then 20' minimum.
- 2) Height & Massing. The height of a detached garage shall not exceed the height of the principal structure. Detached garages shall be subordinate in visual prominence to the principal structure when viewed from public rights-of-way.
- 3) Impervious Surface Ratio. The footprint area of detached garages is included in the total impervious surface ratio calculations. This total area must not exceed the maximum impervious surface ratio as identified in the specific zoning district.
- 4) Square footage. The total square footage for detached garages shall be less than 50 percent of the size of the principal structure.
- 5) Architectural Style. Detached garages shall be designed to blend aesthetically and feature the same architectural style as the principal structure.

(j) Front Porches. Front porches are permitted to encroach into the front yard setbacks of principal structures by a maximum of 10'. Wrap-around porches are permitted to encroach into a side yard by a maximum of 5' as long as there is a minimum 5' setback

from the side interior property line and a minimum 15' setback from the side corner property line.

(k) Accessory Dwelling Units.

- 1) Location. An accessory dwelling unit is permitted to be constructed on a homesteaded lot that is developed with one single-family home, subject to being an approved accessory use within the property's zoning district. Where allowed, only one (1) accessory dwelling unit is permitted per lot. The principal structure shall be occupied by the owner of the property where the ADU is located.
- 2) Structure. An accessory dwelling unit shall be located in a permanent structure complying with the Florida Building Code built on a permanent foundation. An off-site constructed residential dwelling complying with the Florida Building Code and installed on a permanent foundation may be used as an accessory dwelling unit. A conventional recreational vehicle (RV) parked on a paved pad shall not be considered an accessory dwelling unit.
- 3) Setbacks. Detached accessory dwelling units shall be located rearward of the rearmost point of the principal structure. Any accessory dwelling unit located on the second floor of a detached garage shall have the same setback requirements as detached garages. Otherwise, the setback requirements are as follows:
 - a. Front: Accessory dwelling units are not permitted in the front yard.
 - b. Side interior: 5' minimum.
 - c. Side corner: Accessory dwelling units shall not be located closer to a side corner than the principal structure.
 - d. Rear: 5' minimum.
- 4) Height & Massing: The height of an accessory dwelling unit shall not exceed the height of the principal structure. Two-story accessory dwelling units are not permitted unless located above a detached garage. Accessory dwelling units shall be subordinate in visual prominence to the principal structure when viewed from public rights-of-way.
- 5) Separation. An accessory dwelling unit shall be separated from the principal structure and other accessory buildings by a minimum of 10'.
- 6) Impervious surface ratio. The area of an accessory dwelling unit is included in the total impervious surface ratio calculations. This total area must not exceed the maximum impervious surface ratio as identified in the specific zoning district.
- 7) Square footage. The total square footage for an accessory dwelling unit shall be less than 50 percent of the living area of the principal structure. However, in no case shall an accessory dwelling unit be less than 300 square feet or more than 1,200 square feet.
- 8) Property Maintenance Code. The accessory dwelling unit shall comply with all International Property Maintenance Code (IPMC) provisions and standards.
- 9) Interior Requirements. An accessory dwelling unit shall have, at a minimum:

- a. A kitchen area with a sink that has hot and cold running water, food preparation surfaces, food storage areas, a stove, and refrigerator.
 - b. A full bathroom with a sink, tub and/or shower with hot and cold running water, and a toilet.
 - c. Separate living space, which may or may not double as a sleeping space.
 - d. Connected to the electric utility network.
 - e. Heating and air conditioning.
- 10) Architectural Style: Accessory dwelling units shall be designed to blend aesthetically and feature the same architectural style as the principal structure.
- 11) Parking. At least one off-street parking space shall be provided for the exclusive use of the accessory dwelling unit. This requirement is in addition to the two off-street spaces required for the principal structure.
- 12) Utilities. Accessory dwelling units may have independent meter connections for water, wastewater, and/or irrigation from the principal structure. However, any new meters will require paying additional utility impact fees.
- 13) Density. Accessory dwelling units shall not be included in a property's density calculations.
- 14) Restrictions:
- a. A lot containing an accessory dwelling unit may not be subdivided or otherwise platted as a condominium unit to separate the ADU from the principal structure.
 - b. An accessory dwelling unit may not be sold separately from the principal structure.
 - c. An accessory dwelling unit may be rented via a standard residential lease. Short-term rentals under 30 days are prohibited.

(1) Gazebos/Pergolas - 340 square feet or less. Construction or installation of gazebos/pergolas that are 340 square feet or less in area shall not require signed and sealed building plans but will require details showing the wind connections from the roof system to the foundation/ground anchors and shall be subject to all other relevant requirements under this section, the city code, and the Florida Building Code, as may be applicable.

SECTION 16: Codification: Sections 3 and 4 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions,

alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made

SECTION 17: Conflicts: In the event of a conflict or conflicts between this Ordinance and other Ordinances, this Ordinance controls to the extent of the conflict.

SECTION 18: 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 19: Effective Date: This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: _____, 2026.

SECOND READING AND PUBLIC HEARING: _____, 2026.

ADOPTED this _____ day of _____, 2026, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Ronisha Martin, City Clerk



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **Ordinance 26-17** – Amending City of Winter Garden Code of Ordinances regarding Accessory Structures and Accessory Buildings.

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more of the boxes are checked below, the checked exception(s) to the Business Impact Estimate requirement apply to the above-referenced proposed ordinance, although, the City is implementing the procedure otherwise required by law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 26-17 amends multiple sections of the City of Winter Garden's Land Development Code to clarify standards for accessory structures & accessory buildings and formally expand where accessory dwelling units (ADUs) are permitted throughout the City. The ordinance allows ADUs as a permitted accessory use in several residential zoning districts, including R-1A, R-1, R-1B, R-2, R-4, R-5, R-NC, RNC-2, PUD, UVPUD, and CAPUD districts, subject to specific development standards. The ordinance also updates and refines definitions for accessory buildings, accessory structures, detached garages, front porches, and principal structures in order to improve clarity, consistency, and administration of the City's code.

This ordinance is establishes detailed design and placement standards for detached garages and ADUs. The ordinance requires detached garages and ADUs to generally be located behind the principal structure, establishes setback, height, and architectural compatibility requirements, and encourages alley-loaded access to minimize the visual impact of garages on streetscapes. It also permits front porches to encroach into required front setbacks to reinforce traditional neighborhood design patterns. For ADUs, the ordinance establishes standards related to size, parking, owner occupancy, utilities, rental restrictions, and compatibility with the principal residence, while also clarifying that ADUs do not count toward density calculations and may not be sold separately from the primary home.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

There should be little direct negative economic impact on the proposed ordinance on private, for-profit businesses in the City. This ordinance would provide more opportunities for homeowners to make their properties more economically productive by adding an accessory dwelling unit if specific standards are met. Local companies that build accessory structures and buildings will have additional opportunities to find a new customer base in the City.

3. Estimate of direct compliance costs that businesses may reasonably incur:

No direct compliance costs should be incurred by businesses as a result of adopting this ordinance. Certain structures will require building permits as required by State laws and the Florida Building Code to meet health & safety requirements.

4. Any new charge or fee imposed by the proposed ordinance:

No new charges or fees will be imposed by this ordinance.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

The estimated regulatory costs to the City will be minimal, relating to the cost to review and issue building permits and planning reviews.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The proposed ordinance is not anticipated to have any negative impacts on businesses.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

N/A