

ORDINANCE NO. 2011-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA, DELETING SECTION 2.5.1(7) OF THE LAND DEVELOPMENT CODE AND INCORPORATING THE DELETED PROVISIONS THEREIN INTO SECTION 3.5.28 OF THE LAND DEVELOPMENT CODE; AMENDING SECTION 3.5.28 OF THE LAND DEVELOPMENT CODE TO AMEND AND CLARIFY REGULATIONS REGARDING NONCONFORMITIES WITH THE CITY'S GARAGE REQUIREMENTS; AMENDING SECTION 3.5.7 OF THE LAND DEVELOPMENT CODE TO ALLOW LAWFULLY NONCONFORMING STRUCTURES TO BE MAINTAINED AND ENLARGED PROVIDED THAT THE NONCONFORMITY IS NOT ENLARGED AND AMENDING AND CLARIFYING REGULATIONS RELATED LAWFUL NONCONFORMING STRUCTURES GENERALLY; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City has adopted regulations requiring single family and duplex structures to have garages; and

WHEREAS, the Land Development Code has previously provided for structures lawfully nonconforming with garage requirements to alternatively have constructed a storage building to meet the garage requirement; and

WHEREAS, the City Council of the City of Mount Dora desires to extend and clarify the alternative storage building requirement to ensure it is available to all single family and duplex residential structures that are lawfully nonconforming under existing regulations; and

WHEREAS, the City Council of the City of Mount Dora also recognizes that pursuant to existing code an owner of a lawfully nonconforming structure is limited by the current Land Development Code in the ability to maintain and enlarge such lawfully nonconforming structure; and

WHEREAS, the City Council of the City of Mount Dora desires to relax the regulations on maintenance and enlargement of nonconforming structures to allow certain maintenance and enlargement provided same does not increase the nonconformity of the structure; and

WHEREAS, the City's Planning and Development Commission, has reviewed these amendments at a public hearing and determined them to be consistent with the City's Comprehensive Plan.

NOTE: Underlined words constitute additions to the City of Mount Dora Code of Ordinances, ~~striketrough~~ constitutes deletions from the original Code of Ordinances, and any asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA FLORIDA:

Section 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

Section 2. Section 2.5.1(7) of the Land Development Code is deleted as follows:

~~7. *Garage variance criteria.* Variance to the garage requirements in residential zones shall be permitted if the following criteria are met:-~~

~~a. An alternative enclosed storage structure is provided outside the living quarters of the primary structure;~~

~~b. One square foot of storage area shall be provided for each ten square feet of living area within the primary structure with a minimum square footage of 100 square feet;~~

~~c. The storage structure shall be a permanent structure constructed on a foundation having either a concrete slab or a stem wall and meet the minimum requirements of the Florida Building Code;~~

~~d. The storage structure must be of similar construction and architectural style as the primary structure;~~

~~e. The lot must be located in an infill area of the city and must qualify as a legal lot of record which cannot meet minimum lot size requirements and were platted prior to July 7, 1987; [and]~~

~~f. The driveway area must be paved and of adequate size to park two cars.~~

Section 3. Section 3.5.28 of the Land Development Code is amended as follows:

3.5.28 Garage Required

1. Garage. All single-family and duplex residential structures constructed in any zoning district within the City shall include a garage consistent with the definition of "garage" provided in this Land Development Code.

2. Special provisions - optional storage structure. For existing residential structures (single-family or duplex) classified as nonconforming structures as provided in Section 3.5.7 which do not have the required garage per the above paragraph 1, may be allowed to install an optional storage structure in lieu of a garage. The storage structure provisions and criteria are as follows:

a. Provisions

- (1) Construction of the optional storage structure shall cause the structure to be lawfully conforming as related to the garage requirement and shall terminate the lawful nonconforming status as related to the garage requirement.
- (2) New residential structures are not eligible for the optional storage structure and must include a garage per above sub-section 3.5.28(1).
- (3) Residential nonconforming structures, which do not have a garage may construct certain accessory structures limited to fences, pools, screen rooms, screen enclosures, or decks without requiring a garage. This provision is intended to allow certain accessory structures for nonconforming garage sites without first constructing a garage. Other residential additions or expansions may be allowed under sub-section 3.5.7(2.a) of this code.
- (4) Altering, converting, or expanding an existing carport structure (attached or detached) to another use shall provide a garage or the optional storage structure per this section.

b. Criteria

- (1) Any alternative enclosed storage structure must be provided outside the living quarters of the primary structure
- (2) One square foot of storage area shall be provided for each ten square feet of living area within the primary structure with a minimum square footage of 100 square feet and a maximum 600 square feet.
- (3) The storage structure shall be a permanent structure constructed on a foundation having either a concrete slab or a stem wall and meet the minimum requirements of the Florida Building Code.
- (4) The storage structure must be of similar construction and architectural style as the primary structure.
- (5) The driveway area must be paved and of adequate size to park two cars.
- (6) The setback of the storage structure shall be consistent with the applicable zoning district for accessory buildings contained in Section 3.5.4 of this code.

Section 4. Section 3.5.7 of the Land Development Code is amended as follows:

3.5.7 Nonconforming uses/structures.

- 120 2. *Nonconforming structures.* Within the districts established by these zoning regulations or
121 amendments that may later be adopted, there may exist lots or structures which were lawful
122 before these zoning regulations were adopted or amended, but which would be prohibited,
123 regulated, or restricted under the terms of these zoning regulations or future amendments. It is
124 the intent of these zoning regulations to permit these nonconformities to continue until they
125 are removed as required by these zoning regulations, but not to encourage their continuance.
126 A nonconformity may be continued so long as it remains otherwise lawful, provided that:
- 127 a. Enlargement, increase, intensification, alteration. A nonconforming structure may be
128 enlarged, intensified, increased in height, or extended to occupy a greater area of land or
129 water than was occupied at the effective date of adoption or amendments of these zoning
130 regulations provided that the enlargement, intensification, increase in height, alteration or
131 extension is consistent with all applicable codes and regulations.
- 132 b. Except as provided in subparagraph (a) above, No nonconforming structure shall be
133 enlarged, intensified, increased in height, or extended to occupy a greater area of land or
134 water than was occupied at the effective date of adoption or amendments of these zoning
135 regulations.
- 136 c. Notwithstanding paragraphs (a) and (b) above, a nonconforming structure may be
137 maintained and repairs and alterations may be made, except that in a building which is
138 nonconforming as to the regulations, no structural alterations shall be made except those
139 required by law. Repairs such as plumbing or the changing of partitions or other interior
140 alterations are permitted.
- 141 d. Special provisions apply for single-family or duplex garages and carports pursuant to
142 Section 3.5.28(2) of this code.
- 143 ~~b~~e. Movement. No nonconforming structure shall be moved in whole or in part to any
144 portion of the lot or parcel other than that occupied by the use at the effective date of
145 adoption or amendment of these zoning regulations.
- 146 ~~e~~-f. Destruction. Should any nonconforming structure or nonconforming portion of a
147 structure be destroyed by any means to an extent of more than 50 percent of its
148 replacement value based upon property appraisal records at time of destruction, it shall
149 not be reconstructed except in conformity with the provisions of these zoning regulations.
- 150 ~~d~~g. Unsafe nonconforming structures because of lack of maintenance. If a nonconforming
151 structure or portion of a structure, or any structure containing a nonconforming use,
152 becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is
153 declared by the duly authorized official of the city to be unsafe or unlawful by reason of
154 its physical condition, it shall not be thereafter be restored, repaired, or rebuilt except in
155 conformity with the regulations of the district in which it is located.
- 156 ~~e~~h. If application for any zoning or development approval is requested, all nonconforming
157 uses must be brought into compliance with this code.
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Section 5. Codification. It is the intent of the City Council of the City of Mount Dora that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

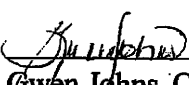
Section 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ORDAINED this 18 day of October, 2011, by the City Council of the City of Mount Dora, Florida.

Attest:


Gwen Johns, City Clerk
City of Mount Dora

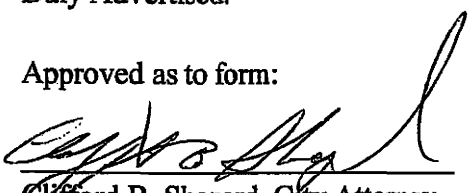

Melissa DeMarco, Mayor
City of Mount Dora

Date of First Reading: October 4, 2011

Date of Second Reading:

Duly Advertised:

Approved as to form:


Clifford B. Shepard, City Attorney
City of Mount Dora

