

ORDINANCE 17-18- 15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT REGULATIONS, PROVIDING FOR AMENDMENTS TO SECTIONS 12.05.300 AND 12.08.135.B. OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, PERTAINING TO ACCESSORY STRUCTURE HEIGHT CLARIFICATION AND THE MINIMUM LOT SIZE REQUIREMENT FOR CELL TOWERS IN AGRICULTURE ZONING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Highlands County Board of County Commissioners (hereinafter referred to as the “Board”) was regularly assembled on July 17, 2018; and

WHEREAS, pursuant to Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform County functions and to render County services in a manner not inconsistent with law, and that power may be exercised by the enactment of County ordinances; and

WHEREAS, the Board, on August 18, 1970, adopted Comprehensive Planning, Zoning and Building Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

WHEREAS, the Board, on January 1, 1995, adopted the Land Development Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

WHEREAS, the Board, on April 26, 2006, combined the Land Development Regulations with the Comprehensive Planning, Zoning, and Building Regulations into one publication titled the *Highlands County Land Development Regulations* for the purpose of making the Regulations easier to understand and enforce; and

WHEREAS, Chapter 163, Florida Statutes, provides for amendment to adopted Land Development Regulations; and

WHEREAS, those Land Development Regulations have been amended from time to time; and

WHEREAS, the Board deems it necessary for the purpose of promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the County to amend those Regulations as set forth in this Ordinance; and

WHEREAS, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the County that this Ordinance be adopted; and

WHEREAS, public hearings were held by the County Commission on said Ordinance on July 3, 2018 and July 17, 2018.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, after due notice and public hearing, that:

SECTION 1. AMENDED AND ADOPTED. Section 12.05.300 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:

Section 12.05.300. Accessory uses and detached accessory structures in residential districts and in the AU district on lots which are one acre or less in size.

A. **All customary accessory uses and detached buildings will be incidental and shall:**

1. Not be located in any front yard. (Lakefront property has the option of declaring the lake side the front yard. However, if the lake side is declared the front, accessory structures shall meet the minimum front yard setback required for the district in which it is located.)
2. Be located at least seven and one-half feet (7½ ft.) from any lot line and at least fifteen feet (15 ft.) from any side street line and 25 feet from any front street line;
3. Not exceed twenty-four feet (24ft.) in height; Accessory structures shall not be taller than the principal structure, unless it is architecturally similar to the principal structure, including similar roof style and material, and shall not exceed twenty-four feet (24 ft.) in height.
4. No mobile home shall be converted into an accessory structure.

~~B. A private garage that is taller than the principal structure must be architecturally similar to the principal structure, including similar roof style and material.~~

~~C.B.~~ Flagpoles and advertising signs may be permitted in any required yard or along the edge of any yard, provided that all other regulations of this Chapter are met.

SECTION 2. AMENDED AND ADOPTED. Section 12.08.135.B. of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:

B. ~~Reserved.~~ **Minimum lot requirements in regard to area and width shall be as follows:**

1. Parcels that are located within the AU district shall have a minimum area of one acre and a minimum width of 100 feet, provided that the parcel has legal access and all other requirements of this Code are met.

2. All other parcels shall comply with the minimum lot requirements of the zoning district in which they are located.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this ordinance.

SECTION 4. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 5. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Department of State.

DONE AND ADOPTED this 17th day of July, 2018.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA

BY: _____

R. Greg Harris, Chairman

ATTEST:

By: _____

Robert W. Germaine, Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 25, 2018

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Pamela Gamez, Deputy Clerk

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 17-18-15, which was filed in this office on July 25, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb