

ORDINANCE 2018 - 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINNEOLA, AMENDING SECTION 102, "DISTRICT REGULATIONS," OF THE LAND DEVELOPMENT CODE OF THE CITY OF MINNEOLA; TRANSFERRING MODEL HOMES AND MODEL HOME SALES CENTERS FROM USES PERMITTED AS SPECIAL EXCEPTION UPON APPROVAL FROM THE RSF-1 AND RSF-2 DISTRICTS TO PERMITTED USES IN THOSE DISTRICTS; PROVIDING FOR CONDITIONS OF USE AS MODEL HOMES OR MODEL HOME SALES CENTERS; PROVIDING FOR CONFLICT; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida currently ranks in the top five of all states in the country for residential growth, and studies indicate that this trend has no expected slow-down; and

WHEREAS, the City Council of the City of Minneola understands the need for a well-regulated process by which developers may showcase different available model homes to perspective buyers; and

WHEREAS, currently a developer would have to apply for a special exception use permit for any model home it wishes to establish; and

WHEREAS, the City Council of the City of Minneola wishes to transfer "model homes" and "model homes sales centers" from "uses permitted as special exception uses upon approval" to "permitted uses" for the RSF-1 and RSF-2 zoning districts, and to provide conditions thereon.

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Section 102-82 "Permitted uses" shall be amended to read as follows, with additions underlined and deletions stricken through:

Sec. 102-82. - Permitted uses.

Permitted uses in the RSF-1 district are as follows:

- (1) Single-family detached dwelling units.
- (2) Customary accessory structures and uses incidental to the principal structure not to exceed 15 percent of living area of the principal dwelling unit, provided that in the case of sheds, storage buildings or similar structures:
 - a. Only one shed, storage building or similar structure shall be permitted per lot.
 - b. Such shed, storage building or similar structure shall have a maximum size of 160 square feet and shall not exceed 12 feet in height.
 - c. Such shed, storage building, or similar structure shall be placed at the rear of the dwelling unit on the lot. For purposes of this section, the rear of a dwelling unit is defined

as the area from a perceived horizontal line across the back of the dwelling unit to the rear property line subject to setback requirements and easements.

d. Such shed, storage building, or similar structure shall be five feet from any side and/or rear property line unless the dwelling unit is on a corner lot in which case such shed, storage building, or similar structure shall have a 25-foot setback from all street side property lines.

e. Customary accessory structures other than those regulated in section b, c, or d above shall be limited in size to 15 percent of the footprint of the enclosed principal structure.

(3) Home occupations.

(4) Neighborhood recreational facilities.

(5) Model homes and model home sales centers:

a. No model home permitted under this section may be used for living purposes either temporarily or permanently until the model home use has ended.

b. Model homes shall be used for the sole purpose of public inspection and marketing of homes within the subdivision. No other commercial or residential activities shall be permitted.

c. At the minimum, a model home sales center shall provide four off-street parking spaces for the first model home and two additional spaces for each adjacent model.

d. The model home or model home sales center shall be converted to a residential home, removing all modifications made to the structure to facilitate its use as a model home or model home sales center, by the time all the other homes in the subdivision are sold, and a performance bond for the cost of such conversion, as certified in an estimate signed and sealed by a licensed engineer, shall be posted with the City prior to the construction of each model home or model home sales center.

e. No subdivision shall have more than four model homes.

Section 2. Section 102-83 “Uses permitted as special exception uses upon approval” shall be amended as follows with additions underlined and deletions stricken through:

Sec. 102-83. - Uses permitted as special exception uses upon approval.

Uses permitted as special exception uses upon approval in the RSF-1 district are as follows:

(1) Public use recreation facilities.

(2) Community residential homes with one to six residents.

(3) Family child care home.

- (4) Fire stations.
- (5) Police substations.
- (6) Emergency medical response stations.
- (7) Postal drop box.
- (8) Bed and breakfast inn.
- ~~(9) Model homes and model home sales centers.~~

Section 3. Section 102-102 “Permitted uses” shall be amended to read as follows, with all additions underlined and all deletions stricken through:

Sec. 102-102. - Permitted uses.

Permitted uses in the RSF-2 district are as follows:

- (1) Single-family detached dwelling units; provided, however, that the maximum density of single-family detached dwelling units in this RSF-2 district shall not exceed three per acre.
- (2) Customary accessory structures and uses incidental to the principal structure not to exceed 15 percent of living area of the principal dwelling unit, provided that in the case of sheds, storage buildings or similar structures:

- a. Only one shed, storage building or similar structure shall be permitted per lot.
- b. Such shed, storage building or similar structure shall have a maximum size of 160 square feet and shall not exceed 12 feet in height.
- c. Such shed, storage building, or similar structure shall be placed at the rear of the dwelling unit on the lot. For purposes of this section, the rear of a dwelling unit is defined as the area from a perceived horizontal line across the back of the dwelling unit to the rear property line subject to setback requirements and easements.
- d. Such shed, storage building, or similar structure shall be five feet from any side and/or rear property line unless the dwelling unit is on a corner lot in which case such shed, storage building, or similar structure shall have a 25-foot setback from all street side property lines.
- e. Customary accessory structures other than those regulated in section b, c, or d above shall be limited in size to 15 percent of the footprint of the enclosed principal structure.

- (3) Home occupations.
- (4) Neighborhood recreational facilities.
- (5) Model homes and model home sales centers:

- a. No model home permitted under this section may be used for living purposes either temporarily or permanently until the model home use has ended.

b. Model homes shall be used for the sole purpose of public inspection and marketing of homes within the subdivision. No other commercial or residential activities shall be permitted.

c. At the minimum, a model home sales center shall provide four off-street parking spaces for the first model home and two additional spaces for each adjacent model.

d. The model home or model home sales center shall be converted to a residential home, removing all modifications made to the structure to facilitate its use as a model home or model home sales center, by the time all the other homes in the subdivision are sold, and a performance bond for the cost of such conversion, as certified in an estimate signed and sealed by a licensed engineer, shall be posted with the City prior to the construction of each model home or model home sales center.

Section 4. Section 102-103 “Uses permitted as special exception uses upon approval” shall be amended as follows with additions underlined and deletions stricken through:

Sec. 102-103. - Uses permitted as special exception uses upon approval.

Uses permitted as special exception uses upon approval in the RSF-1 district are as follows:

- (1) Public use recreation facilities.
- (2) Community residential homes with one to six residents.
- (3) Family child care home.
- (4) Bed and breakfast inn.
- ~~(5) Model homes and model home sales centers.~~

Section 5. All ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. This Ordinance shall become effective upon passage.

Section 7. The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Minneola, Florida, and the sections of this ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section,” “article,” or to such other word or phrase in order to accomplish such intention.

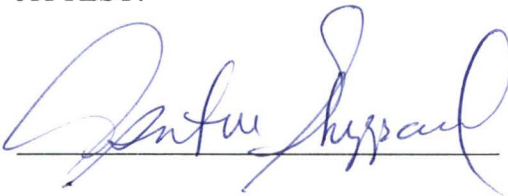
Section 8. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

PASSED AND ORDAINED this 4th day of December, 2018, by the City Council of the City of Minneola, Florida.



Pat Kelley, City Mayor

ATTEST:



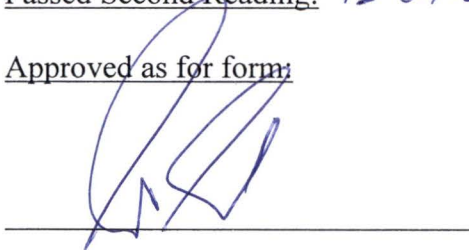
April Sheppard, Acting City Clerk



Passed First Reading: 11-20-2018

Passed Second Reading: 12-04-2018

Approved as for form:



Scott A. Gerken, City Attorney