

ORDINANCE 2024-17

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO REVISE THE DEFINITION OF ACCESSORY STRUCTURE; TO REQUIRE BUILDING PLANS FOR ACCESSORY STRUCTURES OVER 100 SQUARE FEET TO BE COMPLIANT WITH THE FLORIDA BUILDING CODE; TO AMEND THE LOCATION OF ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, City staff met and reviewed certain sections of the Land Development Code and has recommended that certain revisions are necessary to amend the definition of accessory structure, to require building plans for accessory structures over 100 square feet to be compliant with the Florida Building Code, and to provide additional standards and requirements for accessory dwellings in residential districts; and

WHEREAS, the Planning Board has reviewed the amendments being proposed by City staff and recommended approval of the same; and

WHEREAS, the recommendations of staff have been found meritorious by the City Council; and

WHEREAS, the City Council has received input from the public at two public hearings.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the following definition under Section 2.1. of Article II (Definitions) of the Land Development Code of the City of Oldsmar is hereby amended to read as follows:

Accessory structure. A structure which a) is subordinate to and serves a principal building b) is subordinate in area, extent, and purpose to the principal building served c) contributes to the comfort, convenience or necessities of the users or occupants of the principal building and d) is located on the same lot as the principal building. Accessory structures ~~should constitute a minimal initial investment, may shall~~ not be used for human habitation, and be designed to have minimal flood damage potential. For purposes of this definition, an accessory structure, other than detached garages, shall not exceed an area of 200 square feet. All accessory structures are subject to zoning and flood regulations. Additionally, accessory structures over 100 square feet in size shall require building plans designed in accordance with the current Florida Building Code.

Section 2. That Section 3.3.2.2. of Article III (Administration and Enforcement) of the Land Development Code of the City of Oldsmar is hereby amended to read as follows:

3.3.2.2. Procedure.

The following identifies the procedure to obtain a building permit:

1. All applications for building permits shall be prepared on forms available at city hall, building division.
2. Applications shall be filed at city hall. Complete applications shall consist of the following information: 1) a completed building permit application, duly signed and notarized; 2) a duly recorded notice of commencement for construction projects valued in excess of \$2,500.00; 3) two original lot/property surveys prepared within the last 12 months of the permit application date, and signed and sealed by a land surveyor or engineer licensed in Florida; 4) two plot plans of the surveyed site depicting the structure or structures drawn to scale, dimensions of front, side and rear yard setbacks, the location and dimension of the driveway(s) and walkway(s), the location of water and sewer lines, laterals, and connections to the structure(s), the location of nearest fire hydrant to the lot, and a proposed lot grading plan. Base floor (foundation) construction in special flood hazard areas (SFHA, 100-year flood plain) should be footer and stem wall or piling, so as not to require changes in lot grades. If slab on grade (monolithic) construction is proposed in the SFHA lot drainage plans, signed and sealed by an architect or civil engineer licensed in Florida shall be submitted with the aforementioned required materials. Where practical, the applicant shall take into consideration existing developed properties in the design of the final lot drainage; 5) two complete sets of building construction plans, including electrical, mechanical and plumbing plans signed and sealed by an architect or engineer licensed in Florida; 6) two sets of energy calculations in a form in compliance with the Florida Energy Efficiency Code for Building Construction. For multifamily residential construction of three units or more and non-residential construction three complete sets of building construction plans shall be required in addition to all requirements listed above. Site requirements, as set forth in items 3) and 4) above shall not apply to alterations or reconstruction of the interior portion of and principal structure not affecting the lot coverage of that structure. For purposes of issuing building permits for fences and accessory structures, except swimming pools, the current survey by a land surveyor or engineer licensed in Florida will constitute sufficient land survey documentation. "Current survey" to be defined as the signed and sealed survey that was prepared for the property owner at the time of purchase and no material changes have been made to the property since the survey was prepared. For purposes of issuing building permits for accessory structures, such as sheds and similar structures all

~~accessory structures are subject to zoning and flood regulations. Additionally, accessory structures over 100 square feet in size shall require building plans designed in accordance with the current Florida Building Code of 200 square feet or less in size, and not pre-manufactured, a typical wall section plan, depicting the foundation, wall anchoring to the foundation, window layout, if any, wall anchorage to the roof system and roof type will be sufficient plans to review for permitting.~~

3. In addition to the complete application as set forth above, the applicant will provide supplementary material or information as may be specifically requested by the city engineer, the building code administrator, or the fire chief such as existing use of the building or land, occupancy and construction type as referenced in the building code and life safety code, fire sprinkler and fire alarm plans, flood plains and lowest floor elevations, soil conditions, topographical data, positioning and heights of buildings, ownership records showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; the exact size and location on the lot of the building or buildings to be erected or altered; the existing use of buildings on the lot, if any; the intended use of each building or buildings or parts thereof, the number of families the building is designed to accommodate; the location and number of required off-street parking and off-street loading spaces; exact location of trees protected by the code; and proposed structures as may be necessary to determine compliance with the building codes referenced in section 3.3.2 and this development code.
4. All land development subject to the site development plan review process shall have such site plan prepared, processed, reviewed, and approved in accordance with the city's site development plan review process prior to issuance of any building permit.

Section 3. That Section 5.1.9. of Article V (Zoning Regulations) of the Land Development Code of the City of Oldsmar is hereby amended to read as follows:

5.1.9. – Location of accessory structures and uses in residential districts.

1. A detached accessory structure shall not be closer than five feet to the main structure, nor closer than five feet to any other accessory structure on the same lot or parcel, ~~except as may be permitted in the R-6 zoning district. In all residential districts, a detached accessory structure shall not be~~ ~~per~~ closer than five feet to any property line on the lot.
2. In all residential districts no detached accessory structure shall be located in the front yard of a lot or parcel.

Section 4. For purposes of codification of any existing section of the Oldsmar Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 6. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 7. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Oldsmar contained in Sections 1 through 3 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

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

PASSED ON FIRST READING:

October 1, 2024.

PASSED ON SECOND READING AND ADOPTED:

October 15, 2024.



Kristin Garcia

Kristin Garcia, CMC
City Clerk
City of Oldsmar

Daniel M. Saracki
Daniel M. Saracki, Mayor
City of Oldsmar

APPROVED AS TO FORM:



Thomas J. Trask, B.C.S.
City Attorney
City of Oldsmar