

CITY OF STARKE, FLORIDA

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA, AMENDING THE CITY OF STARKE LAND DEVELOPMENT CODE, AS AMENDED, PURSUANT TO AN APPLICATION, LDC 20-02, BY THE CITY COMMISSION, RELATING TO AN AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDING SECTION 4-75 ENTITLED ACCESSORY USES PERMITTED IN SINGLE FAMILY, VERY LOW DENSITY DISTRICT (R-1A), SINGLE FAMILY, LOW DENSITY DISTRICT (R-1B), AND MOBILE HOME SUBDIVISION DISTRICT (RM-1) BY ADDING THAT ACCESSORY STRUCTURES NOT EXCEED MAXIMUM LOT COVERAGE AND COMPLY WITH YARD SETBACK REQUIREMENTS AS SPECIFIED IN THE DIMENSIONAL REQUIREMENTS SECTION OF THE RESPECTIVE ZONING DISTRICT; PROVIDING FOR AMENDING SECTION 4-75 ENTITLED ACCESSORY USES PERMITTED IN SINGLE FAMILY, VERY LOW DENSITY DISTRICT (R-1A), SINGLE FAMILY, LOW DENSITY DISTRICT (R-1B), AND MOBILE HOME SUBDIVISION DISTRICT (RM-1) BY DELETING THE REQUIREMENT THAT ACCESSORY STRUCTURES NOT EXCEED 500 SQUARE FEET IN SIZE AND PROVIDE FOR A SEVEN-FOOT REAR YARD SETBACK; PROVIDING FOR AMENDING SECTION 4-83 ENTITLED ACCESSORY USES PERMITTED IN SINGLE FAMILY, MEDIUM DENSITY DISTRICT (R-1C), SINGLE FAMILY, MOBILE HOME, MEDIUM DENSITY DISTRICT (R-1D), AND MOBILE HOME PARK DISTRICT (RM-2) BY ADDING THAT ACCESSORY STRUCTURES NOT EXCEED MAXIMUM LOT COVERAGE AND COMPLY WITH YARD SETBACK REQUIREMENTS AS SPECIFIED IN THE DIMENSIONAL REQUIREMENTS SECTION OF THE RESPECTIVE ZONING DISTRICT; PROVIDING FOR AMENDING SECTION 4-83 ENTITLED ACCESSORY USES PERMITTED IN SINGLE FAMILY, MEDIUM DENSITY DISTRICT (R-1C), SINGLE FAMILY, MOBILE HOME, MEDIUM DENSITY DISTRICT (R-1D), AND MOBILE HOME PARK DISTRICT (RM-2) BY DELETING THE REQUIREMENT THAT ACCESSORY STRUCTURES NOT EXCEED 500 SQUARE FEET IN SIZE AND PROVIDE FOR A SEVEN-FOOT REAR YARD SETBACK; PROVIDING FOR AMENDING SECTION 4-92 ENTITLED ACCESSORY USES PERMITTED IN MULTI-FAMILY RESIDENTIAL DISTRICT (R-2A), AND MULTI-FAMILY RESIDENTIAL DISTRICT (R-2B) BY ADDING THAT ACCESSORY STRUCTURES NOT EXCEED MAXIMUM LOT COVERAGE AND COMPLY WITH YARD SETBACK REQUIREMENTS AS SPECIFIED IN THE DIMENSIONAL REQUIREMENTS SECTION OF THE RESPECTIVE ZONING DISTRICT; PROVIDING FOR AMENDING SECTION 4-92 ENTITLED ACCESSORY USES PERMITTED IN MULTI-FAMILY RESIDENTIAL DISTRICT (R-2A), AND MULTI-FAMILY RESIDENTIAL DISTRICT (R-2B) BY DELETING THE REQUIREMENT THAT ACCESSORY STRUCTURES NOT EXCEED 500 SQUARE FEET IN SIZE AND PROVIDE FOR A SEVEN-FOOT REAR YARD SETBACK; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of the City of Starke, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement a comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of the City of Starke, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Starke, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Code, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, pursuant to the Section 166.041, Florida Statutes, as amended, and the Land Development Code, the City Commission held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Code and other ordinances, regulations, and actions designed to implement the Comprehensive Plan; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA, THAT:

Section 1. Pursuant to an application, LDC 20-02, by the City Commission, to amend the text of the Land Development Code, Section 4-75 entitled Accessory Uses Permitted in R-1A, R-1B, and RM-1 is hereby amended to read as follows:

Sec. 4-75. Accessory Uses Permitted in R-1A, R-1B, and RM-1

Garages, carports, storage rooms, swimming pools, and other structures, which are customarily incidental to the principal building, are permitted. Detached accessory structures shall not result in exceeding the maximum lot coverage and shall meet all setback requirements as specified in the dimensional requirements section of the respective zoning district.

Section 2. Pursuant to an application, LDC 20-02, by the City Commission, to amend the text of the Land Development Code, Section 4.83, entitled Accessory Uses Permitted In R-1C, R-1D, and RM-2 is hereby amended to read, as follows:

Sec. 4-83. Accessory Uses Permitted In R-1C, R-1D, and RM-2

Garages, carports, storage rooms, swimming pools, and other structures, which are customarily incidental to the principal building are permitted. Detached accessory structures shall not result in exceeding the maximum lot coverage and shall meet all setback requirements as specified in the dimensional requirements section of the respective zoning district.

In RM-2 districts only, the following accessory uses are allowed in addition to those listed in the above paragraph: Administrative management offices, club or game rooms, recreational facilities, and laundry facilities intended for use solely by the residents of the development and

Section 3. Pursuant to an application, LDC 20-02, by the City Commission, to amend the text of the Land Development Code, Section 4.92, Accessory Uses Permitted In R-2A and R-2B is hereby amended to read, as follows:

Sec. 4-92. Accessory Uses Permitted in R-2A and R-2B

- A. Garages, carports, storage rooms, swimming pools and other structures, which are customarily incidental to the principal building are permitted. Detached accessory structures shall not result in exceeding the maximum lot coverage and shall meet all setback requirements as specified in the dimensional requirements section of the respective zoning district.
- B. Administrative/management offices, clubs or game rooms, recreational facilities intended for use solely by the residents of a multi-family development and their guests. Leasing or renting of these facilities for a commercial basis shall be prohibited.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

Section 7. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

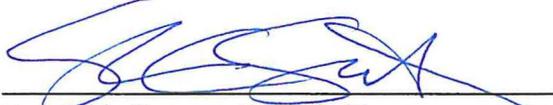
This Ordinance shall be effective immediately upon passage.

APPROVED, UPON THE FIRST READING, by the City Commission of the City of Starke, Florida, at a regular meeting, on the 19th day of January, 2021.

PUBLICLY NOTICED, in a newspaper of general circulation in the City of Starke, Florida, by the City Clerk of the City of Starke, Florida on the 18th day of February, 2021

APPROVED UPON THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Starke, Florida, at a regular meeting, at a regular meeting this 2nd day of March, 2021.

BY THE MAYOR OF THE CITY OF STARKE, FLORIDA



Honorable Shannon C. Smith, Mayor

ATTEST, BY THE CLERK OF THE CITY COMMISSION
OF THE CITY OF STARKE, FLORIDA:



Ricky Thompson, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Clay Martin, City Attorney