

ORDINANCE NO. 23-687

**AN ORDINANCE OF THE CITY OF PORT RICHEY, FLORIDA,
AMENDING SECTION 127-92 OF ARTICLE IV OF CHAPTER 127 OF
THE CODE OF ORDINANCES TO ALLOW UP TO TWO ACCESSORY
STRUCTURES TOTALING TWO HUNDRED SQUARE FEET IN SIZE
AND NO MORE THAN FIFTEEN FEET IN HEIGHT; PROVISIONS FOR
INSPECTION WHEN THE ACCESSORY STRUCTURES ARE LOCATED
IN A FLOOD ZONE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 127, Article IV, Section 127-92 of the City's Code of Ordinances contains provisions allowing for accessory structures; and

WHEREAS, the City Council recognizes that the current Code restricts accessory structures to 100 square feet in size and 10 feet in height; and

WHEREAS, the City Council wishes to permit no more than two accessory structures totaling no more than 200 square feet in size and no more than 15 feet in height; and

WHEREAS, the City Council has determined amendment to Chapter 127, Article IV, Section 127-92 of the City of Port Richey's Code of Ordinances, is necessary to effect such change.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT RICHEY AS FOLLOWS:

Section 1. That Chapter 127, Article IV, Section 127-92 of the City's Code of Ordinances of the City of Port Richey, Florida, shall be amended to read as follows:

Sec. 127-92. Accessory uses and structures.

- (a) *General provisions.* Only principal uses are listed as being permitted or permissible uses within each zoning district. In addition, accessory uses, buildings, or structures may be located upon any lot, provided there is full compliance with all setback, height, building coverage and off-street parking and loading requirements. Accessory uses, buildings or structures may only be located within required side and rear yards, subject to the following limitations:
- (1) Swimming pools, screened pool enclosures and related decks and patios shall be located a minimum distance of five feet from a rear or side property line. This limitation shall not apply to any swimming pool and related deck and patio which was constructed or installed in accordance with applicable city code provisions at the time of construction.
 - (2) Other accessory buildings and structures shall be located a minimum distance of five feet from a side or rear property line and shall not exceed ~~ten~~ fifteen feet in height. No accessory buildings or structures shall occupy more than a total of ~~100~~200 square feet of area. No more than two accessory buildings or structures shall be permitted per lot in R-1 and R-2 zoning. This limitation shall not apply to any swimming pool and

related deck and patio which was constructed or installed in accordance with applicable city code provisions at the time of construction.

(3) Notwithstanding the provisions of subsections (a)(1) and (2) of this section, docks with or without hoist facilities and meeting all applicable city, state and federal regulations, may be constructed along canals and waterways.

(4) On corner lots the minimum setback from the side street shall be the same for accessory buildings, structures and uses as for principal buildings, structures and uses.

(5) If the accessory building or structure is located in a flood zone, a permit application for tie-down, flood proofing, and drainage plans must be submitted. The structure must pass inspection to comply with this Section.

(b) *Attached accessory structure.* Attached accessory structure is considered part of a principal building.

(1) Whenever an accessory structure, including a screened pool enclosure, is attached to the principal building, it shall cease to be considered an accessory structure for the purpose of this chapter and shall be considered as a part of the principal building. It shall be unlawful to attach an accessory structure to a principal building, except as otherwise provided herein, which does not comply in all respects with the requirements of this chapter applicable to the principal building.

(2) For the purpose of this section, the term "screened pool enclosure" is defined as meaning an enclosure comprising mesh screening, on all sides and the top, supported by aluminum framing and constructed in accordance with the specifications set forth in the Florida Building Code. The height of the enclosure shall be consistent with and shall not exceed the height of the primary structure on the property. The use of 20/20 gauge or higher mesh screening in any enclosure is strictly prohibited.

(c) *Parking or storage of commercial equipment or vehicles in a residential district.* The parking or storage of any commercial equipment or commercial vehicle exceeding a net weight of 6,000 pounds or a width of more than 80 inches within any residential district is expressly prohibited, unless any such commercial vehicle or equipment is parked or stored in an enclosed garage. This restriction shall not apply to commercial vehicles or equipment in construction, repair or maintenance operations within a residential district, provided any such commercial vehicle or truck is removed from the residential property on a daily basis, nor any commercial vehicles used for deliveries or pickups while conducting business within a residential district.

(d) *Commercial fishing activities prohibited in residential districts.* The use of docks or other waterfront facilities within any residential zoning district for any commercial fishing activity, including, but not limited to, the unloading or transfer of fish or other marine products, the drying or repairing of nets or other equipment, or the mooring or repairing of commercial boats, is expressly prohibited.

(e) *Dumpsters in residential, commercial and industrial districts restricted as to location.* Dumpsters or waste disposal containers for the collective disposal, storage and removal of solid waste materials from multiple-family dwellings, condominiums, office buildings, commercial or industrial businesses or similar uses within residential, commercial and industrial zoning districts shall be located no closer to a public right-of-way than the nearest

building within the property being served. Any such dumpster or waste disposal container shall be adequately screened from view from any public right-of-way or adjacent property by the use of shrubbery or fencing. In no case shall any such dumpster or waste disposal container be located within a public right-of-way.

(f) *Parking and storage of boats, watercraft, trailers and major recreation equipment within a residential district.*

- (1) No boats, watercraft, trailers or major recreation equipment shall be permitted to be parked or stored in any residential driveway or yard forward of a dwelling, or on any vacant lot zoned for residential use. Boats, watercraft, trailers or major recreation equipment may be parked or stored on the side or rear yard of residential property; provided, however, that the parking or storage of boats or watercraft, trailers or major recreation equipment shall be no closer to a street or road than the front of a dwelling.
- (2) No boat, watercraft, trailer or major recreation equipment shall be parked or stored on a partial lot or noncontinuous segment of a residential lot situated between a public right-of-way and a body of water.
- (3) All boat, watercraft, trailer or major recreation equipment parked or stored on residential property shall comply with all applicable Florida Statutes and department of transportation requirements including, but not limited to, F.S. § 316.515, maximum width, height, length requirements.
- (4) Major recreation equipment is hereby defined as items such as, but not limited to, travel trailers, pickup campers or coaches designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, houseboats and the like.
- (5) No boats, watercraft, trailers or major recreation equipment shall be used for living, sleeping or housekeeping purposes, when parked or stored in a residential district or in any other location not approved for such use.
- (6) No boats, watercraft, trailers or major recreation equipment shall be parked or stored on any lot in a residential district within a required front yard; provided, however, that such boats, watercraft, trailers or major recreation equipment may be parked anywhere on residential premises, for a period not to exceed 24 hours, during loading or unloading.

(g) *Reserved.*

(h) *Home occupations.* Home occupations as defined herein shall be permitted in any residential district subject to the following provisions:

- (1) No persons except members of the immediate family of the proprietor and who reside on the premises shall be employed in any home occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental to and subordinate to its use for residential purposes and not more than 25 percent of the living area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, and no sign shall be posted thereon.

- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as set forth in this chapter and shall not be located in a required front or side yard.
 - (5) No congestion or nuisance shall be generated by the parking or storage of commercial vehicles, and any need for the parking or storage of said vehicles shall be satisfied by meeting all off-street parking requirements of this chapter.
 - (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, detectable to the normal senses, off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
 - (7) Unless specifically exempted by city ordinance, any person desiring to establish, operate, or continue to operate a home occupation shall be required to obtain a local business tax receipt.
- (i) *Garage or yard sales.* A garage or yard sale of used personal and/or household belongings may be conducted within any residential district, subject to the following rules, regulations and definitions:
- (1) *Definition.* The term "yard sale," as used in this subsection, shall be construed as the layout, display and sale of articles or new or used items of personal property in a yard, garage, driveway, porch, patio or real estate lot in such a manner that the articles are visible to the general public, where such sale is not subject to the provisions of the occupational license ordinance.
 - (2) *Permit requirement.* It shall be unlawful for any person to conduct a yard sale within the city without first securing a yard sale permit to do so.
 - (3) *Permit application.* The application form for the yard sale permit shall contain the following information:
 - a. The date of the application.
 - b. The name and residence address of the applicant.
 - c. The site by street address number where the yard sale is to be conducted by the applicant.
 - d. The date of the Friday on which the yard sale will commence.
 - e. A statement by the applicant that he understands that the yard sale permit will expire at 9:00 p.m. on the Sunday following the date of commencement, that the permittee understands that he is entitled to conduct only one yard sale pursuant to any such permit within any such four-month duration, and that only one yard sale shall be conducted at the same yard sale site during any such four-month duration.
 - f. A signature line for the applicant.

- (4) *Fee for permit.* The code enforcement official shall charge a fee as currently established or as hereafter adopted by resolution of the city council from time to time and kept on file in the office of the city clerk for the issuance of each such yard sale permit which shall be paid by the applicant to the city.
- (5) *Issuance of permit.* A yard sale permit shall be issued by the code enforcement official in the name of the permittee and shall designate the site by street address where the yard sale shall be authorized to be conducted by such permittee and the expiration date of said permit.
- (6) *Limitation on number of permits.* No more than one yard sale permit shall be issued to any permittee to conduct a yard sale at any site within this city during any four-month duration and not more than one yard sale shall be conducted at the same site within this city during any such four-month duration.
- (7) *Duration of permit.* A yard sale permit as authorized by this subsection shall be limited to a three-day period, commencing on a Friday. The dates shall be specified on the permit issued by the code enforcement official and shall only be conducted during the hours between 7:00 a.m. and 9:00 p.m. daily on those days specified.
- (8) *Additional conditions of permit.* During the nonoperational hours of the permitted yard sale period, the items for sale shall be placed inside or under cover or neatly stacked against the structure. Additional time for the yard sale may be granted in writing by the code enforcement official if a definite hardship can be proven by the permittee (e.g., sold home and leaving area); provided, however, that there shall be no more than one extension for no longer than two days given to any permittee during a four-month duration. The yard sale items must be removed and/or stored inside within a 24-hour period after the expiration of the permit.
- (j) *Penalty for violation.* Any person who violates any of the provisions of this section shall be deemed guilty of a violation of this chapter and shall be punishable as a class III violation as provided in the section 1-45 of the Code of Ordinances; provided, however, that the violation shall have an opportunity to cure any defect or correct any violation within the time designated by the citing officer, but not to exceed 14 days. Failure to cure any defect or correct any violation within the time prescribed by the officer shall result in the issuance of a citation as provided for in section 1-43 of the Code of Ordinances.

Section 2. For purposes of codification of the Code of Ordinances, City of Port Richey, Florida, words **underlined** represent new text or additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

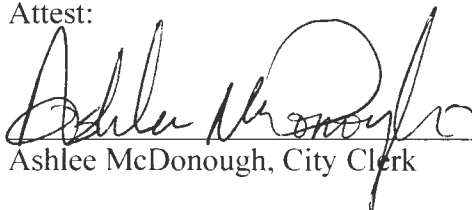
Section 3. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand and survive any severed provision, as the City Council would have adopted the Ordinance even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to Code of Ordinances, City of Port Richey, Florida contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses or any other sections not designated for codification.

Section 5. Pursuant to § 166.041 (4), Fla. Stat., this Ordinance shall take effect immediately upon adoption.

The foregoing Ordinance No. 23-687 was read and passed on its first reading in an open and regular meeting of the City Council of Port Richey, Florida, this 23rd day of May, 2023.

Attest:

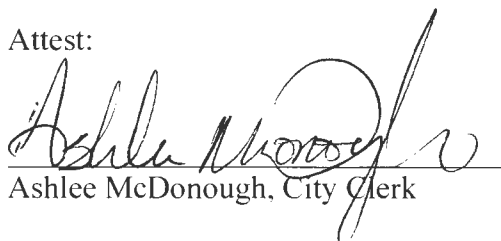

Ashlee McDonough, City Clerk

CITY OF PORT RICHEY


John Eric Hoover, Mayor

The foregoing Ordinance No. 23-XXX was read and passed on its second reading in an open and regular meeting of the City Council of the City of Port Richey, Florida this 13th day of June, 2023.

Attest:


Ashlee McDonough, City Clerk

CITY OF PORT RICHEY


John Eric Hoover, Mayor

Approved as to form: 
Nancy Meyer, City Attorney

