

ORDINANCE NO. 2023-31

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING SEC. 10-82 IN CHAPTER 10 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO IMPOSE A MAXIMUM SIZE OF EIGHT HUNDRED SQUARE FEET FOR ACCESSORY BUILDINGS, IMPOSE A MAXIMUM HEIGHT FOR ACCESSORY BUILDINGS AND CLARIFY DESIGN REQUIREMENTS FOR CERTAIN ACCESSORY BUILDINGS WITHIN THE TOWN OF MONTVERDE; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town finds that accessory buildings of a certain square footage should be aesthetically consistent with the architectural style of the principal structure by using similar materials and colors as the primary structure and therefore clarification of the code is needed; and

WHEREAS, the Town of Montverde also finds that accessory buildings exceeding the height of the primary structure is not aesthetically appealing and should not exceed 14-ft. or the height of the primary structure, whichever is less; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance, and recognize municipal authority to enact regulations to protect health, safety, and welfare; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 10-82 of Article III in Chapter 10, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 10-82. Location, design and maximum floor area of accessory buildings and uses in residential districts.

- (a) The first floor area of an accessory building structure within a residential district shall be no greater than 800 square feet or 50% of the square footage of the primary structure

whichever is lesser and shall not exceed a height of 14-ft. or the height of the primary structure whichever is lesser. the first floor area of the primary structure.

- (b) When an accessory building is attached to a main structure by a breezeway or any other structure requiring a Town of Montverde building permit it shall comply with the setback requirements of the main building.
- (c) All accessory buildings must be issued a permit by the town prior to installation or construction.
- (d) Accessory buildings ~~90~~ 120 square feet or less shall be set back and located a minimum of seven and one-half feet from ~~any~~ the side and rear property lines. Accessory buildings greater than ~~90~~ 120 square feet shall conform to the applicable zoning setbacks.
- (e) Accessory buildings greater than ~~150~~ 120 feet² must be constructed or installed to be similar to the architectural style, colors and materials of the ~~principle~~ principal structure. Properties located in agriculture zoning district are exempt from this requirement.
- (f) Each residential lot (determined by ALT key or parcel identification number) may have no more than two accessory buildings.
- (g) Temporary storage structures shall be limited to 60 consecutive days and no more than 120 days in any calendar year and shall be located a minimum of ten feet from all property lines.
- (h) Accessory buildings may not be placed in the front yard. Accessory buildings shall be placed in side or rear yards only, except if a corner lot, then accessory buildings shall only be placed in the rear yard.

SECTION 3. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.


SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 9th day of January, 2023.




Joe Wynkoop, Mayor

Attest:


Sandy Johnson, Town Clerk

Approved as to form and legality:


Anita Geraci-Carver, Town Attorney

First Reading 12-12-23
Second Reading 1-9-24

Council Member Ley moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Womack and upon roll call on the motion the vote was as follows:

	YEA	NAY
Jim Peacock, Vice Mayor	✓	
Jim Ley, Councilmember	✓	
Allan Hartle, Councilmember	✓	
Carol Womack, Councilmember	✓	
Joe Wynkoop, Mayor	✓	