

## **ORDINANCE 2014-16**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE CITY OF SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE BY AMENDING ARTICLE III, SUPPLEMENTARY DISTRICT REGULATIONS, PERMITTING CERTAIN ACCESSORY STRUCTURES IN A FRONT YARD; LIMITING ACCESSORY STRUCTURES TO NO MORE THAN FIVE PERCENT OF A FRONT YARD; PROHIBITING CHAIN LINK FENCING WITHIN A REQUIRED FRONT YARD ON RESIDENTIAL PROPERTIES; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend and enforce land development code regulations that are consistent with and implement the adopted Comprehensive Plan; and

**WHEREAS**, the City of Safety Harbor has previously adopted a land development code; and

**WHEREAS**, periodic updates and clarifications are necessary for successful implementation of a land development code.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

**SECTION 1.** Section 36.00 of Article III, Supplementary District Regulations, of the City of Safety Harbor Comprehensive Zoning and Land Development Code is amended to provide as follows:

**36.00 Accessory uses and structures.**

- (A) Accessory uses are permitted in all zoning districts in accordance with the requirements of this Code.
- (B) An accessory use is a use or structure which complies with the following standards:
  - (1) Is clearly incidental to, customarily found in association with, and serves a primary use.
  - (2) Is subordinate in purpose, area, and extent to the primary use served.
  - (3) Contributes to the comfort, convenience, or necessity of the primary use served.

- (4) Is located on the same lot, tract, parcel, or property as the primary use.
- (C) All accessory structures shall comply with the requirements of the City's building codes.
- (D) An accessory type structure which shares a structural wall, or is attached, shall be deemed to be part of the primary structure and must comply with the setback requirement of the district in which it is located. Provided, however, an accessory-type structure that is connected to a primary structure by a breezeway or roofed passage no greater than 10 feet in width, shall not be considered to be part of the primary structure as long as the breezeway or roofed passage remains open or screened.
- (E) Accessory uses or structures shall only be allowed simultaneously with, or following, establishment/ construction of the primary use or structure.
- (F) Accessory structures shall be located as follows:
  - (1) No closer than ten (10) feet to the primary structure; and
  - (2) No closer than five (5) feet to a lot line; and
  - (3) No closer than six (6) feet to any other accessory structure; and
  - (4) Not forward of the front face of the primary structure; except that an arbor, trellis, pergola, or gazebo unenclosed by walls or other minor decorative landscape feature may be permitted in a front yard with prior approval of the Planning and Zoning Director; and
  - (5) Accessory structures, excluding swimming pools, may occupy not more than thirty-five (35%) percent of a required rear yard and not more than five percent (5%) of a front yard; and
  - (6) Accessory structures shall not exceed twelve (12) feet in height except on property located inside the Community Redevelopment District where accessory structures may have a maximum building height of twenty-five (25) feet provided:
    - (a) The accessory structure is located on a lot with alleyway access; and
    - (b) Any windows above the ground floor are located to protect the privacy of adjacent residential properties.

**SECTION 2.** Section 36.03 of Article III, Supplementary District Regulations, of the City of Safety Harbor Comprehensive Zoning and Land Development Code is amended to provide as follows:

**36.03 Fences, walls and hedges.**

- (A) All fences, walls and hedges shall conform to the requirements of this Code for visibility triangles.

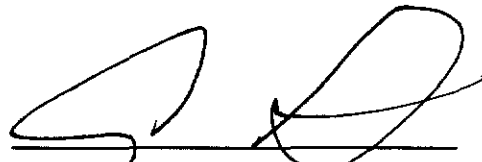
- (B) For all one- and two-family residences, no fence, wall, or hedge shall exceed four (4) feet in height when located within a required front yard setback except as follows:
- (1) For properties located in the E-1, Estate Residential District, a fence, wall, or hedge within a required front yard setback up to five (5) feet in height is permitted provided fencing over four feet in height shall not be of chain-link or wood construction.
  - (2) For the purposes of this Section, the front yard of a corner lot shall be the side of the property from which the property is addressed. The other side facing a street shall be considered a secondary front yard. A fence, wall, or hedge within a secondary front yard up to six (6) feet in height is permitted except in cases where there is or could be a primary structure on the abutting property that is addressed to the same street frontage as the secondary yard.
  - (3) The City Commission may allow a fence, wall, or hedge up to six (6) feet in height within a required front yard setback in connection with any site plan approval for a one- or two-family subdivision.
  - (4) Decorative columns, posts or other integral architectural features that do not exceed one foot above the maximum fence or wall height shall be permitted.
- (C) Except in industrial districts, no fence or wall shall exceed six (6) feet in height. The maximum height in industrial districts shall be eight (8) feet.
- (D) Barbed wire shall be limited to three (3) strands at a minimum of six (6) feet above the ground. Barbed wire may be used only on security fences or walls in commercial and industrial districts or accessory to any utility installation.
- (E) Chain link fencing is prohibited within a required front yard on residentially zoned properties. On non-residentially zoned properties, chain-link fencing within a required front yard shall be vinyl coated (including strands, poles, and rails) with a black, green or brown color when located in a front yard.
- (F) The finished side of a fence shall face outward toward abutting lots and right-of-way.
- (G) No more than one (1) perimeter fence shall be permitted per lot.
- (H) Fences shall be set back at least one (1) foot from a platted alleyway.

**SECTION 3.** This Ordinance shall be published in accordance with the requirements of law.

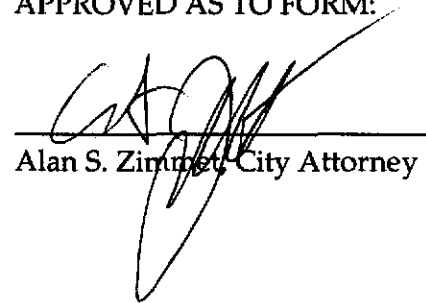
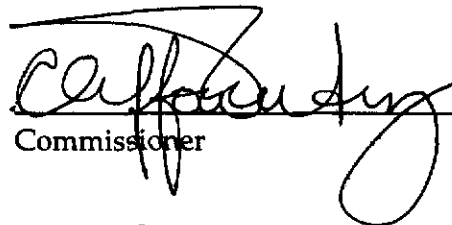
**SECTION 4.** This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING SEPTEMBER 3, a.d. 2014.


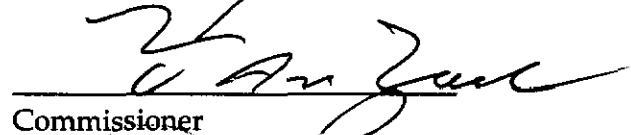

PASSED ON SECOND AND FINAL READING OCTOBER 6, a.d. 2014.

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan S. Zimmer, City Attorney  
\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Karen Sammons, CMC, City Clerk  
\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Commissioner