

ORDINANCE NO. 2020-31

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, SUBSECTION (R) GENERATORS, OF THE *LAND DEVELOPMENT CODE* TO ESTABLISH A FIVE FOOT (5') SETBACK IN RESIDENTIAL ZONING DISTRICTS IN THE REAR YARD FOR GENERATORS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City's planning staff has proposed that the City of Ormond Beach *Land Development Code* ("the *LDC*") be amended to establish a five foot (5') setback in residential zoning districts in the rear yard for generators, and

WHEREAS, the local planning agency, being the Planning Board of the City of Ormond Beach, has reviewed the recommended amendment and has made recommendations thereon to the City Commission, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(c)(2), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the recommended amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Subsection (r) Generators, Section 2-50, Accessory Uses, of Chapter 2, District and General Regulations, of Article III, General Regulations, of the City of Ormond Beach *Land Development Code* is hereby amended to read as follows:

(r) *Generators.* Generators are permitted as follows:

- (1) Permanent generators shall be located to minimize the impacts to surrounding properties.
- (2) In residential zoning districts, generators are prohibited from being located in the front of the single-family house or multifamily structure, or within the side corner yard setback.
- (3) In residential zoning districts, generators may be located within the ~~rear or~~ side interior yards and shall not encroach more than four feet (4') into the ~~rear or~~ side interior yards setback.
- (4) In residential zoning districts, generators shall have a five foot (5') rear yard setback.
- (5) In nonresidential zoning districts, generators shall not be located in front of the existing or proposed structure or the side corner yard.
- (56) In nonresidential zoning districts, generators are permitted to be located in the rear or side interior setbacks, but no closer than seven and one-half feet (7½') from the rear or side ~~interior yards~~ property line.
- (67) In nonresidential zoning districts, generators shall be screened with the use of fences, walls, or landscaping and shown on the site plan or building permit application.

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 9th day of June, 2020.

PASSED UPON at the second and final reading of the City Commission, this 28th day of July, 2020.

BILL PARTINGTON
Mayor

ATTEST:

COLBY CILENTO
City Clerk