

ORDINANCE NO. 6051

PROPOSED ORDINANCE NO. 24-035

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-003 TO ARTICLE 4 (GENERAL SITE DEVELOPMENT STANDARDS), SECTION 4.3 (ACCESSORY STRUCTURES) OF THE LAND DEVELOPMENT CODE TO ESTABLISH A MAXIMUM FLOOR AREA AND TOTAL CUMULATIVE FOOTPRINT FOR ACCESSORY STRUCTURES ON SINGLE-FAMILY OR TWO-FAMILY RESIDENTIAL LOTS OR PARCELS, PROHIBIT THE INSTALLATION OF SECONDARY ELECTRIC METERS ON ACCESSORY STRUCTURES WHEN LOCATED ON PROPERTIES ZONED FOR SINGLE-FAMILY OR TWO-FAMILY RESIDENTIAL USES, DEFINE ACCESSORY STRUCTURES WITH GREATER THAN 1,000 SQUARE FOOT OF FLOOR AREA AS PRINCIPAL STRUCTURES WHEN LOCATED ON A LOT OR PARCEL ZONED FOR OFFICE, COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL USES, AND PROVIDE CLARIFICATION REGARDING ZONING COMPLIANCE FOR CERTAIN ACCESSORY STRUCTURES WHICH DO NOT REQUIRE A BUILDING PERMIT; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-003 to Article 4 (General Site Development Standards), Section 4.3 (Accessory Structures) of the Land Development Code to establish a maximum floor area and total cumulative footprint for accessory structures on single-family or two-family residential lots or parcels,

prohibit the installation of secondary electric meters on accessory structures when located on properties zoned for single-family or two-family residential uses, define accessory structures with greater than 1,000 sq. ft. of floor area as principal structures when located on a lot or parcel zoned for office, commercial, industrial, or multi-family residential uses, and provide clarification regarding zoning compliance for certain accessory structures which do not require a building permit; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment LDC24-003 to the Land Development Code be adopted; and

WHEREAS, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-003 as described above;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

SECTION 2. Text Amendment LDC24-003 to the Land Development Code, as set forth in Attachment "A," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.

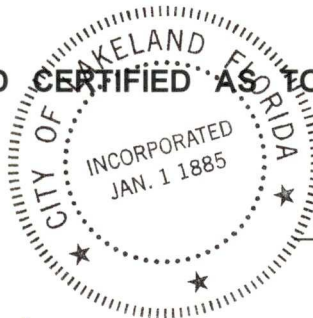
SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 16th day of September, A.D. 2024.



H. William Mutz

H. WILLIAM MUTZ, MAYOR

ATTEST: *Kelly S. Koos*
for KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

Palmer C. Davis

PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

ARTICLE 4: GENERAL SITE DEVELOPMENT STANDARDS**4.3 - ACCESSORY STRUCTURES**

4.3.1 GENERAL

- a. Certain accessory structures are permitted in addition to principal structures in accordance with all standards of the context sub-district in which they are located and the procedures and standards of this section.
- b. Accessory structures shall be clearly incidental and subordinate to the principal structure and located in a district that allows the principal use.
- c. No accessory structure shall be constructed prior to the construction of a principal structure.
- d. Accessory structures shall be located on the same lot or parcel as the principal structure.
- e. Vehicles and trailers including overseas shipping containers are prohibited as storage buildings except as provided in Sub-Section 2.6.5 (Temporary Uses Listed and Defined) and Sub-Section 5.17.3.3 (Construction and Storage Trailers Permitted and Regulated).
- f. Shipping containers may be used as accessory structures for certain commercial uses, as specified in Sub-Section 5.25.1.3 (Shipping Containers as Accessory Structures for Certain Commercial Uses).
- g. For lots or parcels zoned for either single-family or two-family residential uses, the issuance of a separate electrical meter for accessory structures shall be prohibited. If electrical power is to be provided, it shall only be fed from the electrical service/main panel located on the principal dwelling unit on the same lot or parcel to a sub-panel on the accessory structure.
- h. Accessory Structures to Office, Commercial, Industrial and Multi-Family Residential Uses (All Other Accessory Structures): Accessory structures with more than 1,000 sq. ft. of floor area shall be subject to the setback and height requirements for principal buildings in the zoning context sub-district in which they are located. Where applicable, such structures shall be subject to architectural materials, ground floor transparency and façade variation requirements for principal structures specified by Sub-Sections 3.4.7.3, 3.4.7.4 and 3.4.7.5 of the Land Development Code.
- i. Accessory Structures Exempt from Permitting Requirements: Structures exempt from the Florida Building Code, such as portable carports, patio covers, chickee huts and recreational/play equipment, which do not require a building permit shall be subject to the same setback and building height requirements as permanent accessory structures.

(Ord. No. 5455, 07-21-14; Ord. No. 5898, § 2(Att. A), 10-18-21)

Table 4.3-4 General Accessory Structure Standards

A) Min. Front Setback ¹	3' behind the front façade of the principal structure in RA-3/RA-4 sub-district; 5' in all other sub-districts
B) Min. Interior Side Setback ¹	3' in RA-3/RA-4 sub-district; 5' in all other sub-districts
C) Min. Rear Setback ¹	3' in RA-3/RA-4 sub-district; 5' in all other sub-districts
D) Min. Street Side Setback ¹	In accordance with principal building minimum street side setback

E) Max. Height	12½' Except ground-mounted TV and radio antennas, in accordance with Section 4.8.
F) Min. Separation Between Structures	In accordance with applicable building codes
<u>G) Max. Floor Area Under Roof for Accessory Structures to Single-Family and Two-Family Residential Uses</u>	<p><u>Lots or Parcels Less than One (1) Acre in Area:</u></p> <p><u>Utility Sheds/Storage Buildings: 200 sq. ft. and no more than two per lot or parcel²</u></p> <p><u>Detached Garages, Carports, Pole Barns, Home Offices, Game Rooms, Arts & Craft Studios, Pool Houses/Cabanas and All Other Structures Under Roof: 600 sq. ft.²</u></p> <p><u>Lots or Parcels One (1) Acre in Area or Greater:</u></p> <p><u>Utility Sheds/Storage Buildings: 400 sq. ft. and no more than two per lot or parcel²</u></p> <p><u>Detached Garages, Carports, Pole Barns, Home Offices, Game Rooms, Arts & Craft Studios, Pool Houses/Cabanas and All Other Structures Under Roof: 1,200 sq. ft.²</u></p>
<u>H) Cumulative Floor Area for Accessory Structures to Single-Family and Two-Family Residential Uses</u>	<u>Excluding Accessory Dwelling Units (ADUs), the total floor area for all accessory structures under roof shall not exceed 10% of the square footage of the lot or parcel upon which they are located.</u>
<p>¹ 3' interior side and rear setback for accessory equipment such as air conditioners, heaters, pumps, swimming pool filters and emergency generators. This setback may be reduced to 2' when such equipment is placed in the interior side yard of a principal building.</p> <p>² <u>Subject to H) Cumulative Floor Area for Accessory Structures to Single-Family and Two-Family Residential Uses.</u></p> <p>Unroofed gazebos and pergolas not exceeding 36 sf or 8' in height may be located in any required setback area with a minimum setback of 3' from any parcel boundary. Larger or roofed gazebos and pergolas shall be located in accordance with this table.</p>	