

ORDINANCE NO. 455

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION I, SECTION 58-331, STORAGE SHEDS, TO REDUCE THE MAXIMUM SIZE FOR ACCESSORY BUILDINGS TO 40 PERCENT OF THE PRINCIPAL BUILDING BUT NOT MORE THAN 1000 SQUARE FEET, AND PROVIDING SETBACK, HEIGHT AND SIZE REQUIREMENTS FOR SHEDS LOCATED ON LOTS NOT EXCEEDING 10,000 SQUARE FEET; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 58-331 sets forth the regulations pertaining to accessory buildings and storage sheds; and

WHEREAS, the Town Council is desirous of limiting the size of accessory buildings, and providing setback, height and size requirements for storage sheds on lots within the Town not exceeding 10,000 square feet; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council, after duly noticed public hearings has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. Recitals. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Amendment. Chapter 58, Zoning, Article IX, Supplemental District Regulations, Division 1, Generally, Section 58-331, entitled "Storage Sheds" is hereby amended as follows:

See Exhibit "A" attached hereto and made a part hereof

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be

renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

FIRST READING this 12th day of July, 2018.

THE SECOND AND FINAL READING was held this 26th day of July, 2018. Council member Harvin offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member John, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTGRAPH, Council Member
REMAR HARVIN, Council Member
DANIEL H. SOHN, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA

Janice C. Rutan, Town Admin.

Jay G. Foy, Mayor

TOWN OF HAVERHILL

Exhibit "A" – Ordinance 455

Sec. 58-331. — Accessory Buildings and Storage sheds

- (a) *Location and other requirements of accessory buildings.* In residential districts, all accessory buildings and structures, except accessory dwelling units, that are intended to serve an accessory use, shall be erected in accordance with the requirements of this section, notwithstanding the provisions of section ~~58-1258-312~~ regarding accessory uses. In all zoning districts, no garage, tent, trailer or other accessory structure shall be erected or used for residential purposes, prior to, concurrently with or subsequent to the construction of the principal building. Accessory buildings permanently affixed to the ground, including, but not limited to, detached garages, utility buildings and storage ~~buildings or sheds,~~ shall be limited to one building for each lot (except that greenhouse, cabana and gazebos may be permitted in addition to garage, carport, storage sheds and utility building); and
- (1) Shall be located to the rear of the principal building on interior lots and, in the case of corner lots, accessory buildings shall be located in the quarter section of the lot furthest removed from abutting frontages;
 - (2) Shall be located a minimum of ten feet from the principal building;
 - (3) Shall not exceed the height of the house or ~~30-15~~ feet, whichever is less, except that in the case of a principal building having a flat roof, the height of the accessory building may be six feet above the height of the house provided it is no higher than ~~30-15~~ feet;
 - (4) Shall not be located within any required yard setbacks nor shall any accessory use be permitted in the front yard;
 - (5) Shall not exceed more than five percent of the total square feet of the lot, provided that the building shall not exceed ~~60-40~~ percent of the footprint of the principal building, or have a footprint exceeding ~~1500-1000~~ square feet, whichever is less;
 - (6) Shall not have a kitchen or toilet, and the eaves on any structure or building shall not overhang any easement or right-of-way or exceed the setback lines by more than two feet;
 - (7) Shall incorporate design and color schemes compatible to the principal building, and the town may require enhanced landscaping to accompany the accessory building;
 - (8) For any utilities serving the accessory building, they shall be underground; and
 - (89) Shall meet all other applicable site development and zoning regulations including maximum lot coverage requirements.
- (b) *Utility buildings and storage sheds in setbacks.* In all residential zoning districts with lots not exceeding 10,000 square feet, one accessory building used for storage (utility building or storage shed) ~~storage shed~~ may be permitted ~~per lot~~ within the setback of the rear yard area of each lot, which, for purposes of this section, is defined to be that area between the primary building and the rear lot line. ~~However, the minimum setback for such a storage building shall be five feet from the side lot line and five feet from the rear lot line. The maximum height of~~

any storage shed shall be nine feet. The size of the storage shed shall be based upon the lot size as follows:

	<i>Lot Size</i>	<i>Maximum Storage Shed Permitted</i>
(1)	Up to 10,000 9,500 square feet lot	70 square feet
(2)	10,000 9,500 square feet to 20,000 square feet	100 144 square feet
(3)	Over 20,000 square feet	144 250 square feet

subject to the following restrictions:

- (1) The minimum setback from the side and rear lot line shall be five (5) feet;
- (2) The maximum height shall be eight (8) feet; and
- (3) The size shall not exceed 144 square feet.

All other accessory buildings used as utility buildings or storage sheds, that do not meet the foregoing requirements in this sub-section, shall comply with the requirements of sub-section (a) above.

- (c) *Corner lots.* On corner lots bounded on two opposite sides by streets, accessory buildings shall not be located in either front yard, regardless of which side is actually considered the front yard.
- (d) *Construction shanty or trailer.* A well-built frame shanty or trailer to be used for storage, tool shed and job office is permitted as part of a contractor's equipment during the construction of a building or structure. Such shanty or trailer, together with all construction materials and equipment, shall be located on the plot upon which the construction is taking place. At the completion of the work, or upon its discontinuance or abandonment, the shanty or trailer shall be dismantled or removed from the premises. In the use of trailers as construction offices or shanties during hurricane season, it is required that they be anchored by guy-wires in such a fashion as to withstand hurricane force winds and that a permit certifying to such proper anchorage be issued by the building official prior to such placement of the trailer. Notwithstanding the foregoing, a construction shanty or trailer shall not be permitted to remain on any lot for more than six (6) months unless the lot is part of an approved subdivision plan pursuant to Chapter 54.
- (e) ~~The owner of property within the town may petition the town council for a variation from the size limitations, limitation on number of accessory buildings, and/or prohibition of shower and/or toilet for cabana of subsection (a) above, provided, however, that no variation shall be permitted which would allow the accessory building to be larger than the footprint of the entire principal building including living and non-living area. Any variation from the requirements of this section may be considered by the town council upon presentation of a petition for same and a finding that such variation is not contrary to the intent and purpose of this chapter. The town council may approve, disapprove, or approve the variation with conditions. Any variation shall carry with it a condition authorizing the code enforcement officer, or his~~

~~designee, to conduct quarterly inspections of the property, at his or her discretion. The town may impose a fee for such petition by resolution.~~