



Orange City Development Services Department

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MEMORANDUM

Public Hearing: February 1, 2017, Planning Commission

Report Date: January 26, 2017

Subject: Second Discussion on Land Development Code text amendment regarding residential accessory structures

Applicant: Development Services Department

Staff: Carol McFarlane, AICP, City Planner

SUMMARY OF REPORT

The Development Services Department proposes amendments to the Land Development Code to revise Chapter 8 regarding residential accessory structures. The current code provides vague standards and the subjective language has led to confusion in implementation and a decrease in public confidence. Also, staff suggests a certain flexibility in standards to accommodate less significant structures, which are more cost effective for home owners. The following changes to the code are proposed:

1. Clarify what is meant by “keeping with the character of the area and consistent with the structural design of the principal building” by adding language regulating the construction materials and design elements of accessory structures.
2. Provide an exemption for smaller (less than 120 square feet) accessory structures that are not visible to the public.
3. Provide size limitations to accessory structures that is related to the size of the lot.

The Planning Commission discussed the proposed amendment on January 4, 2017, and requested additional information regarding other jurisdictions code and less stringent standards for larger lots.

Staff provides a table containing information regarding the regulation of accessory structures across Volusia County. The data shows that many municipalities require architectural review of larger accessory structures, and limit the number or cumulative square foot area of accessory structures.

Staff revised the draft amendment based on Planning Commission comments, as follows:

- Changed building area to floor area
- Allow more square footage on residential lots one acre or more in size.

RECOMMENDATION

Provide direction to staff on proposed Land Development Code amendments.

ATTACHMENTS

- Revisions to Chapter 8
- Table of Residential Accessory Structure Standards
- Public Comment

Section 8.7. - Supplementary regulations.

8.7.1. Accessory uses and structures. Accessory uses and structures shall be permitted which comply with the following criteria:

- A. Are customarily accessory and clearly incidental and subordinate to principle permitted uses and structures in terms of mass, size and height, and shall not exceed 50 percent of the primary structure floor area.
- B. Do not involve the conduct of business on the premises of residentially zoned property.
- C. Are located on the same lot as the principal use or structure, or on a contiguous lot in the same ownership.
- D. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood if located in a residentially zoned area.
- E. Are in keeping with the character of the area and consistent with the structural design of the principle building. Accessory structures that are greater than 120 square feet must match the exterior façade of the primary structure using similar construction materials and design elements, including roof and wall materials, pitch, and window treatments for those elevations that are visible from the right-of-way and adjacent property. Accessory structures that are 120 square feet in size or less, and are 15 feet in height or less, do not have to match the primary structure's materials and design as long as the structure is located behind the principal structure.
- F. Signs are not considered to be accessory structures but shall be regulated by location as per chapter 9 of this Code.
- G. On residential zoned property that is less than one acre in area, the cumulative size of all accessory structures cannot exceed 75% of the size of the principal structure. On residential zoned property that is one acre or more, the cumulative size of all accessory structures cannot exceed 100% of the size of the principal structure.

8.7.3. Exceptions to minimum yard, lot coverage or height requirements. Every part of every yard shall be open and unobstructed from the ground up, except as follows:

- A. In all zoning districts, accessory structures shall not be located in any front yard area or forward of the front building line. Such structures may be located in rear or side yards not less than ten feet from the lot lines. Garage apartments shall be located only in the buildable area of a lot and not in any required yard.
- B. Swimming pools without screen enclosures may be located no closer than ten feet to any side or rear lot line. Swimming pool screen enclosures shall meet the required minimum side setback, and may be located up to one-half the distance for the minimum rear yard setback, and not exceed 15 feet in height.
- C. Screen enclosures as accessory structures shall meet the required minimum side yard setback, may be located up to one-half the distance of the minimum rear yard setback and shall not exceed 15 feet in height.

Revised for Planning Commission Discussion
Meeting Date: February 1, 2017

D. Utility sheds or storage buildings that do not exceed ~~200~~ 120 square feet and ~~42~~ 15 feet in height may be located up to ten feet of any side or rear lot line, except that garage apartments shall not exceed the zoning district height limit.

E. Utility sheds or storage buildings that exceed ~~200~~ 120 square feet may be located no closer than ten feet to any side lot line and up to one-half the distance of the minimum rear yard setback. The height of any utility shed or storage building that exceeds ~~200~~ 120 square feet shall not exceed 15 feet in height.

The changes to subparagraphs D and E will be consistent with the size requirements added to section 8.7.1, subparagraph E(1).

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Residential Accessory Structures, Comparative Table
January 25, 2017

Municipality	Setbacks	Max. Height	Lot Coverage	Max. Size	Other Standards	Arch. Design
Daytona Beach	200 sq. ft. or less: 7.5-foot side and rear setback More than 200 sq. ft., garages and/or carports: Not within any required yard.	20 feet	30% of any required rear yard area.	50% of the principal building's floor area.	Maximum 2 accessory structures per lot.	200 sq. ft. or less: no architectural standards. More than 200 sq. ft.: must match principal building in exterior finish and roof design. Certificate of Appropriateness required in Historic District.
Daytona Beach Shores	Prohibited in front and side, 5 feet from rear property line.	Based on zoning (max 35 feet typical)	Same as zoning, (max 35% typical)			
DeLand	7.5-foot side and rear setback.	15 feet	Based on zoning. If less than 15 feet height, not to exceed 35% of required rear yard area.			None city wide. Some HOA's have architectural requirements. Certificate of Appropriateness required in Historic Districts.
DeBary	5-foot side and rear setback. If more than 600 sq. ft, then 15-foot side and rear setback.	20 feet	Based on zoning classification (max 35% typical).	See next column.	One-half acre or less: Limited to two accessory structures. Cumulative area of accessory structures cannot exceed 50 percent of the square footage of the principal structure. Greater than one-half acre to one acre: Limited to three accessory structures. Cumulative area of accessory structures cannot exceed 50 percent of the square footage of the principal structure Greater than one acre to 2.5 acres: Limited to four accessory structures. Cumulative area of accessory structures cannot exceed 55 percent of the square footage of the principal structure 2.5 acres or more: No limit on number of structures but cumulative area of accessory structures cannot exceed 60 percent of the principal structure	None.
Deltona	Not beyond the front leading edge of the principal structure.	15' feet	Based on zoning classification (max 35% typical)		Maximum 2 sheds not to exceed 240 square feet on lots that are 20,000 square feet or less.	Garages and carports constructed of materials similar in appearance, texture and color to those used in the construction of the principal dwelling.
Edgewater	Prohibited in the front. Sheds 120 sq. ft. or less: 5 feet rear or side setback. More than 120 sq. ft.: must meet all yard requirements.	No taller than principal structure.	Based on zoning.	Max cumulative size 70% of principal structure.	Max 2 accessory buildings per parcel.	All accessory structures exceeding 350 square feet and located on a parcel less than 5 acres in size shall be consistent with the primary structure in architectural design, roofline and color.

Residential Accessory Structures, Comparative Table
January 25, 2017

Municipality	Setbacks	Max. Height	Lot Coverage	Max. Size	Other Standards	Arch. Design
Holly Hill	Prohibited in the front or side yards. Less than 300 sq. ft.: 5-foot rear setback. More than 300 sq. ft.: must meet all yard requirements.	Less than 300 sq. ft.: 12 foot maximum. 300 sq. ft. or more: same as zoning district (max 30 feet typical).	Based on zoning (max. 35% typical)			Buildings 300 square feet or more must match the principal structure's design, materials and color.
New Smyrna Beach	Not within any required yard.	25' or the height of the principal structure, whoever is less.	Based on zoning	Max cumulative 60% of principal structure.		None city wide. Certificate of Appropriateness required in Historic Districts.
Oak Hill	Prohibited in front and side yards. 10 feet from rear.	Based on zoning.	Based on zoning (max 35% typical)			None.
Ormond Beach	Sheds less than 150 sq. ft.: Prohibited in the front, 7.5 feet from rear and side yards. Garages and carports and sheds over 150 sq. ft.: must meet all required yards.	Sheds less than 150 sq. ft.: 10 feet. More than 150 sq. ft.: based on zoning.	Based on zoning	Garages and sheds over 150 sq. ft. are limited to 50% the size of the principal building.	Lots with 10,000 sq. ft. or less: max 2 accessory structures. Over 10,000 sq. ft.: more than 2 accessory structures can be permitted with the Planning Director's approval.	Garages and sheds over 150 sq. ft.: Must match the design, materials and color of principal building.
Pierson	Prohibited in the front or side yards, min. 10 feet setback from rear property line.	Not listed, based on zoning classification.	Based on zoning classification (typical 35%).	None.	None.	None.
Port Orange	Prohibited in front yard. Less than 120 sq. ft.: 5 feet rear and side setback. 121 to 250 sq. ft.: 10 feet rear and side setback. >250 sq. ft.: must meet all required setbacks.	Sheds: 10 feet All others: Based on zoning.	Based on zoning.	Must be clearly incidental and subordinate to principal structure.	None.	None citywide. Community Redevelopment Area and HOAs have their own standards.
Lake Helen	10 feet from side and rear property lines if less than 150 square feet. If more than 150 square feet, 20 feet from side and rear property lines.	15 feet on lots 1.25 acres in size or less. 25 feet on property more than 1.25 acres, with min. setback 50 feet from property lines.				Must match style and materials of principal structure if more than 150 square feet. This is not required on properties more than 2.5 acres with a minimum 100-foot setback. Certificate of Appropriateness required in Historic District.

Residential Accessory Structures, Comparative Table
January 25, 2017

Municipality	Setbacks	Max. Height	Lot Coverage	Max. Size	Other Standards	Arch. Design
South Daytona	Prohibited in front and side, 5 feet from rear property line.	Sheds: 11 feet All others: 15 feet	Based on zoning	Sheds: Max cumulative of 200 sq. ft.	Max 2 sheds on any one property.	No kitsch or Quonset styles or architectural oddities (such as castles, igloos or caves).
Volusia County	Less than 500 sq. ft.: 5-foot side and rear setback. 500 sq. ft. or more: must meet required setbacks.	15 feet	Based on zoning classification (Max 35% typical)	Cumulative max 50% of principal structure.	Maximum 1 shed greater than 500 square feet.	In Enterprise area-Consistent with the façade treatment of the principal structure. Some HOAs have architectural requirements.

From: [Linda Bruno](#)
To: "[Linda Bruno](#)"
Subject: Ordinance/Code concerning Sheds
Date: Thursday, January 19, 2017 3:19:10 PM

This is an EXTERNAL email. **Exercise caution.** DO NOT open attachments or click links from unknown senders or unexpected email.

I am writing concerning my purchase of a shed. I understand the current ordinance only allows sheds to match the current structure of your home.

I know there is an amendment coming up to vote on which would allow a little more leniency on the structure. I would like to purchase an aluminum shed even though my house is vinyl sided. The shed is only 10' by 12' in size and my house sits in the corner of a cul de sac. The shed would be placed in the back of the house and would not even be visible from the road. Several of my neighbors have sheds in their yards and they do not match the structure of their home and I can see them from the road. I do not think I should be held to the current standards. I am asking that you please vote in favor of this amended ordinance. The cost of the vinyl sided shed as compared to the aluminum shed is a difference of \$1000 greater. This would be more of a financial hardship for me and I would not be able to get the shed. I would like to get my permit application for the aluminum shed approved as soon as possible.

Thank you for your consideration in this matter.

Thank you
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