

Sec. 4.01. - Accessory Structures.

Note: For Accessory Structures 300 sq. ft. and larger, a Final Survey will be required.

This section provides specific development standards for swimming pools, fences, walls, sheds, residential garages, generators, clotheslines, seawalls, and docks.

4.01.01. *General provisions for accessory structures.*

- A. *Location.* Accessory structures, other than fences or as otherwise specified in this Code, shall not be located in public drainage or utility easements or within the required building setbacks. In addition, all accessory structures, other than fences, walls, arbors, trellises, pergolas, and detached garages or as otherwise specified in this Code, shall be located behind the front and side street building facades of the principal structure. However, on corner lots, swimming pools and their enclosures, may be located in front of the side street building facade but shall meet the front yard setback requirements in lieu of the side street setback. Screening accessory structures with a fence or foundation plants (may be required in Chapter 11) when facing a right-of-way, golf course, canal, or other similar highly visible area.
- B. *Construction and occupancy.* Permits for accessory structures shall not be issued until a permit has been issued for the principal structure. Seawalls are not considered accessory structures and building permits for these facilities may be issued in advance of the principal structure in accordance with City regulations.
- C. *Architecture.* Refer to Chapter 13 for design standards.

4.01.02. *Fences and walls.*

A. *General requirements.*

1. *Setbacks, orientation, and placement.*

- a. Fences shall be installed with the finished side facing the exterior of the property.
- b. No fence or wall shall interfere with drainage on a site.
- c. Fences and walls may be located within an easement as long as they do not interfere with utilities; provided, however, such structures are subject to removal and replacement at the property owner's expense by the requesting utility agency.
- d. Fences and walls in front of the front building facade of residential dwellings shall only be permitted in the AGR, EST-1, and EST-2 Districts.
- e. Refer to Chapter 11 for applicable buffer and screening requirements for fences and walls.
- f. Decorative walls and solid fences are permissible surrounding the perimeter of a development that is at least five acres in size.
- g. Gates are considered parts of fences and walls and are regulated accordingly. Gates shall not open or swing onto neighboring properties.

2. *Height.*

- a. The maximum height shall be measured from finished grade to the top of the fence or wall. The finished grade shall not be altered to increase fence height and where a berm is constructed, the height of the berm over the finished grade shall be included in determining fence height. Decorative wall columns and occasional architectural embellishments to fences may extend up to 12 inches above the maximum height permitted.
- b. The maximum height of any fence or wall located in interior side or rear yards behind the nearest front building facade shall be six feet, unless otherwise

specified in this Code or as approved by the Land Use Administrator for health, safety, or environmental protection purposes.

- c. A fence or wall on a residential lot located to the rear of the principal structure and within 20 feet of a saltwater waterway is limited to a height of four feet, except in the following situations:
 - (1) An open fence is allowed to a height of six feet.
 - (2) A fence or wall enclosing a pool deck that is setback at least 7.5 feet from the side property lines and at least 15 feet from the saltwater waterway is allowed to a height of six feet.
- d. Within the EST Districts, the maximum height of any fence or wall in front of the front building facade or located in a street side yard shall be a maximum of four feet.
- e. Fences immediately surrounding civic or public recreational sports playing fields located on lots over one acre in size may be constructed to a maximum height of 12 feet and hooded backstops for diamond sports may be increased to a maximum height of 28 feet, with approval of the Land Use Administrator.

3. *Design and Materials.*

- a. Fences shall be constructed utilizing rot-resistant material for any part of the fence coming in contact with the ground. All fences shall be constructed of customary fencing materials and finishes. Wood and vinyl fences shall meet the color standards of Section 13.02.06.B.1. or be finished in a wood stain or simulated wood finish in a non-prohibited color as outlined in Section 13.02.06.B.3. Fences constructed of treated lumber may remain unfinished.
- b. Chainlink, aluminum (except for decorative aluminum fences), or similar fences shall be prohibited in yards fronting along arterial and collector roadways.
- c. Chainlink, aluminum, or similar metal fences shall be black or bronze in color, except that aluminum fences may also be white in color. Chainlink fences shall not have slats, fabric or similar types of screening materials attached to them.
- d. Walls shall be made of the following materials:
 - (1) Brick, Norwegian brick, jumbo brick or stone.
 - (2) Split-faced block or finished masonry walls where block seams are not visible. Finished masonry walls shall also include a tile, brick, or decorative trim at or near the top of the wall.
 - (3) Wrought iron or aluminum fence in combination with brick, jumbo brick, or finished masonry columns.
 - (4) Pre-cast concrete having a simulated wood stone or brick pattern.
 - (5) Other materials as approved by the Land Use Administrator.
- e. Walls shall have columns spaced as follows:
 - (1) Twenty-foot maximum spacing on walls 100 linear feet, or less.
 - (2) Thirty-foot maximum spacing on walls 101—200 linear feet.
 - (3) Forty-foot maximum spacing on walls over 200 linear feet
- f. No barbed wire, razor wire, or electrically charged fence shall be erected, unless otherwise specified in this section. Broken glass, steel spikes, or other sharp objects intended to restrict access along the top edge of a fence or wall are prohibited.

- g. Chicken wire, field fences, and other similar fence types are prohibited, except in the utilization of bona-fide agricultural purposes in the AGR and EST-2 Districts.
 - B. *Nonresidential districts.*
 - 1. Setbacks may be required between fences or walls to property lines in order to provide landscape buffers in accordance with the requirements of Chapter 11.
 - 2. Within the IND, COM, and PSP Districts, the following shall apply:
 - a. Fences and walls may exceed maximum permitted height by up to two feet if they are part of an approved or required landscape buffer meeting the requirements of Chapter 11.
 - b. Fences or walls needed to provide extra security or safety may exceed maximum permitted height by up to two feet, with an additional 18 inches of barbed wire or other material upon approval by the Land Use Administrator.
 - C. *Special provisions for subdivision entrance features.*
 - 1. Fences and walls used as decorative features at subdivision entrances may exceed maximum permitted heights by up to four feet upon approval by the Land Use Administrator. This measurement shall exclude decorative wall columns, which may extend a maximum of 12 inches beyond the top of the wall or 18 inches above the height of a wall framing an identification sign. Light fixtures may extend up to 42 inches above the height of the wall.
 - 2. Entrance walls and landscaping shall be located within a designated easement, tract, or common area.
 - 3. Wall jogs and spanned footer intervals shall be used, where possible, to avoid existing trees. Buffer width requirements may be waived to the extent necessary to protect the specimen trees.
 - 4. The main entrance wall shall be landscaped in accordance with Chapter 11.
 - D. *Special provisions for fences and walls in the AGR Districts.* Fences used to contain farm animals or to separate crops relative to bona fide agricultural uses are exempt from this section.
- 4.01.03. *Garages, attached and detached.*
- A. *General requirements.*
 - 1. Enclosed garages shall be constructed in association with the construction of all detached single-family residential units, duplexes, and townhouses.
 - 2. Garages shall not be converted into any other use, unless another garage is constructed in compliance with this Code.
 - 3. Garage units for multifamily projects shall be provided for a minimum of one-third of the proposed multifamily units.
 - 4. Garages shall not exceed the height of the first story of the principal dwelling unit.
 - 5. Carports shall be prohibited in all residential districts except for developments in the MHD District.
 - B. *Attached garages.*
 - 1. Shall have a maximum depth of 30 feet.
 - 2. Shall not exceed 50 percent of the total living area of the principal dwelling unit.
 - C. *Detached garages.*

1. Detached garages are permitted in all zoning districts; however, in the MHD District special exception approval is required.
 2. Detached garages shall have a maximum building footprint of 500 square feet.
- D. *Garages in neotraditional developments.* For garage requirements in a neotraditional development, refer to Section 4.08.

4.01.04. *Generators, permanently installed.* The following standards shall apply to all permanently installed generators:

- A. Generators are prohibited in the required front and street side yard and prohibited in front of the front building line of the principal structure.
- B. Generators may be operated for testing purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. and 6:00 p.m.
- C. A maximum of one generator is allowed per single-family, duplex, or townhouse residential dwelling unit and one generator is allowed per multiple family building.
- D. Generators shall be set back a minimum of ten feet from the rear property line in all zoning districts.
- E. Generators shall be set back a minimum of three feet from the side interior property line(s) in all zoning districts, but shall not be located within an easement.

4.01.05. *Residential docking facilities along saltwater and freshwater canals (and intracoastal waterway, as applicable).*

- A. *Prohibitions.*
 1. Under no circumstances shall a vessel docked or moored off a residential docking facility be used as a live aboard watercraft.
 2. Accessory structures and concrete decks are prohibited along a seawall or in the rear easements and setbacks of property along waterbodies.
- B. *General standards.*
 1. *Drainage rights-of-way.*
 - a. Any groundcovers disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to prevent erosion.
 - b. Drainage rights-of-way shall not be filled in such a way as to reduce the cross-sectional area used for flow of stormwater.
 2. *Dredging and spoil management in saltwater canals.* Dredging activities shall be conducted by a qualified contractor and consistent with the applicable best management practices concerning dredging operations and performed only after approval by the Land Use Administrator. Dredging activities shall be accomplished in conformance with existing permits.
 3. *Safety.*
 - a. All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.
 - b. To eliminate potential waterbody contamination, all structures shall be constructed with materials that do not result in contamination.
 - c. The City shall require removal of derelict vessels and lifts consistent with City standards.
 4. *Roofs.*

- a. Roofs over docks and lifts shall be a maximum height of 13 feet above seawall cap for saltwater canals and above the deck for freshwater canals.
 - b. Roofs shall be constructed with the same material and of the same color as the principal structure adjacent to the waterbody.
 - c. All roofs shall be "Hip" style roofs.
 - d. All roofs shall be constructed with a minimum 4½:12 pitch.
 - e. For roofed structures on freshwater canals, the size of a roof shall not be greater than 12 feet by 14 feet and the roof overhang shall not exceed two feet.
 - f. The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of property frontage thereafter, not to exceed 46 feet. Roof length for property with a frontage less than 60 feet shall be determined by the Land Use Administrator on a case-by-case basis based on generally accepted planning practices.
- C. *Saltwater canal single-family residential docking facilities.*
- 1. *Placement of docking facilities.* The location of docks, lifts, and boathouses within the navigable waters of the City shall be determined on an individual basis, with visual impact, navigational use, and aesthetic quality of prime concern.
 - 2. *Single pilings.* Single pilings or "dolphins" are prohibited, except for installation alongside a seawall or bulkhead.
 - 3. *Setbacks and size.*
 - a. The minimum setbacks from a projection of the side property line to the structure shall be a minimum of ten feet. Other setbacks may be considered by the Land Use Administrator based upon lot size, location, easements, existing structures, and navigation.
 - b. The length of all docks, inclusive of all components, shall not exceed 65 percent of the property frontage along the canal. The size of the vessel and location of adjacent docks shall be considered to ensure that the vessel does not interfere in any manner with the navigation of ingress and egress. Setbacks may be increased or decreased for lots less than 60 feet in width or lots that have a storm drainage easement.
 - c. Vessels shall be docked/moored parallel to the property line/seawall. Docks/moorings perpendicular to the property line/seawall are prohibited.
 - d. Other than cantilevered safety walks, all dock walkways shall be no less than three feet or greater than six feet. The maximum width for docks, including boatlifts, shall be determined based on the width of the waterbody as described in Table 4-2. Dock width shall be measured at right angles from the boundary of the waterbody at the proposed structure location.

Table 4-2. Maximum Dock Widths for Saltwater Canals

Waterbody Width	Maximum Dock Width
Less than 100 feet	12 feet

100 feet or greater	16 feet
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4. *Floating docks.*

- a. Floating docks shall not exceed a length of 20 feet as measured parallel to the canal frontage.
- b. Floating docks may be used in conjunction with permanent docking structures but must meet the criteria established herein.

5. *Boatlifts within canal areas.*

- a. All boatlifts, inclusive of all components, shall be mounted or installed within the 12 feet or 16 feet dimension allowed for structures in the waterbody.
- b. Boatlifts on waterfront lots with dimensions less than 60 feet of water frontage or lots with unusual conditions are not allowed unless granted an administrative waiver by the Land Use Administrator. The location of easements, culvert pipes, and navigability are unusual conditions that may be considered.

6. *Cantilever safety walk extensions.* Cantilever safety walk extensions may be approved by the Land Use Administrator based upon the following criteria:

- a. The length of a cantilever safety walk extension shall be the minimum necessary to access the watercraft.
- b. Cantilever safety walk extensions shall not extend more than 12 inches beyond a 12-foot boat slip or lift and pilings.

D. *Freshwater canal residential docking facilities.*

1. Docks and decks over the waterbody shall meet the Florida Department of Environmental Protection minimum clearance requirements.
2. Structures shall not project into the waterbody more than eight feet from the shoreline at normal water level.
3. No permanent source of electrical power, water, telephone, gas, or other items requiring piping or cable shall be extended onto the drainage rights-of-way.
4. Floating docks are not permitted.
5. Roofed structures shall not contain enclosed sides including, but not limited to, solid material, screening, or clear plastic.

4.01.06. *Seawalls and revetments.*

A. *Permit required.* A building permit shall be obtained prior to commencement of new construction and reconstruction or repair of seawalls and revetments. Seawalls and revetments shall be constructed in accordance with the following requirements.

B. *Prevent soil erosion, runoff and debris.*

1. Prior to construction of a seawall or revetment on undeveloped property, the following actions shall be taken to prevent soil erosion and protect the waterbody from runoff and debris:
 - a. Only the minimum area necessary for access and construction of the seawall or revetment and backfill shall be cleared.

- b. A minimum 15-foot wide buffer of natural vegetation shall be preserved along each side lot line starting at a point ten feet from the waterfront.
 - c. Access to the waterfront shall be limited to an area no wider than 15 feet located in the interior of the lot.
 - d. A 30-foot wide buffer shall be preserved along all property lines abutting a street right-of-way except for the area cleared for the access point. Tree protecting barricades shall be erected around the perimeter of the buffer areas that are to remain.
- 2. Prior to construction, reconstruction, or repair of a seawall or revetment, a floating turbidity barrier shall be installed to prevent siltration into the canal until the slopes are stabilized. The ends of returns and the backside of the seawall or revetment shall be sodded or stabilized with other appropriate vegetation a minimum of five feet from the edge of the structure, or stabilized with erosion control devices, to prevent siltration on adjacent properties or into the canal.
- 3. Prior to the reconstruction or repair of existing seawalls and revetments, backfill shall be deposited behind the seawall in order to establish a swale not less than five feet from the seawall to collect any eroded material before it reaches the canal.
 - a. Construction and vegetative debris on the site shall be continually removed throughout the construction activities and when construction is complete.
 - b. When construction is complete, all cleared areas shall be sodded with native or water-conserving turf grasses. It shall be the responsibility of the lot owner to insure sodded areas are watered until established.
- C. *Violations.* It is prohibited and unlawful:
 - 1. To allow material to be deposited or to erode into any waterbody and fail to remove it.
 - 2. For a contractor to fail to backfill bulkheads within 30 days after construction or repair of the bulkhead.
- D. *Exceptions to violations.* The following are exceptions to the violations listed above:
 - 1. Temporary waterbodies created to hold runoff water during construction.
 - 2. Special exceptions granted by the City on applications where sufficient reason and safeguards are shown to protect the public interest.
- E. *Vertical seawalls.* The following establishes criteria for construction, repair, and replacement of vertical seawalls in all saltwater canals in the City.
 - 1. Vertical seawalls shall have reinforced concrete cap, with top of cap to be set at elevation two and one-half feet, North American Vertical Datum (NAVD 1988), above mean sea level (1929 NAVD) or match abutting existing caps. Cap height exposed face shall be 12 inches.
 - 2. Vertical seawalls shall be located at and along the property line common with the waterbody or approved otherwise by other agencies.
 - 3. The materials for all vertical seawalls shall be reinforced concrete or vinyl.
 - 4. Vertical seawalls shall be grey in color. No painted surfaces are permitted.
- F. *Landscape.* Any groundcover disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to stabilize the soil and prevent erosion.
- G. *Safety.* All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.

4.01.07. *Sheds.*

A. *Permitted locations and size.*

1. Only one shed, not to exceed 200 square feet, shall be allowed per lot.
2. The shed shall not be located in front of the building line of the principal structure.
3. Sheds shall be set back at least ten feet from the rear property line and shall meet the interior side setback requirements of the district. However, sheds that do not exceed 100 square feet in size may be located up to five feet from the abutting interior side or rear property line.
4. In no event shall a shed or any part thereof, be permitted within an easement.

B. *Height.* The maximum building height for any shed shall be 12 feet.

4.01.08. *Swimming pools.*

A. *General.*

1. Lights used to illuminate any swimming pool shall be arranged and shaded to reflect light away from adjoining properties.
2. All swimming pools, hot tubs, and spas shall be enclosed by a permanent full screen enclosure or with a permanent wall or fence of a least four feet in height. Any solid roof covering for a swimming pool, hot tub, or spa shall adhere to the setbacks of the principal structure.

B. *Setback requirements.*

1. Setbacks for pools with decks shall be measured from the outer edge of the pool deck.
2. Setbacks for pools without decks, including above-ground pools, shall be measured from the outer walls of the pool.

4.01.09. *Clotheslines.*

- A. All clotheslines must be located behind the dwelling and shielded as much as practical from view of any street.
- B. Outdoor revolving umbrella style or 'T' posts are acceptable.
- C. Attaching clotheslines to trees is prohibited.

(Ord. No. 2009-26, §§ 14—25, 12-15-09; [Ord. No. 2015-08](#), § 3, 7-21-15; [Ord. No. 2015-16](#), § 2, 12-1-15)