

## CHAPTER 8

### MISCELLANEOUS REGULATIONS

#### **SECTION 1: ACCESSORY USES AND STRUCTURES**

- a) In General. Specific accessory uses and structures shall comply with the following regulations.
- b) Principal Use Required. Accessory uses and structures shall:
- 1) Be customarily incidental to the principal use established on the same lot;
  - 2) Be subordinate to and serve such principal use;
  - 3) Be subordinate in area, extent and purpose to such principal use; and
  - 4) Contribute to the comfort, convenience or necessity of users of such principal use.

No accessory structure or use shall be permitted on any lot without an established principal use on the same lot within the applicable zoning district.

- c) Permit Required. No accessory structure shall be authorized on any lot without the appropriate building permit.
- d) General Provisions.
- 1) Outside storage is generally prohibited, except as permitted herein.
  - 2) Signs, fences, walls, parking and loading areas, and other such features that are typically located within required yard areas shall comply with the applicable provisions of this Code for such uses and structures.
  - 3) Any specific accessory use or structure that is not addressed within this Chapter shall not be located on any lot.
- e) Size Limitations.

The square footage of accessory buildings and the principal structure, together, shall not exceed forty-five percent (45%) of the total square footage of the lot. The height of the accessory structure shall not exceed the height of the principal structure.

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f) Outside Storage.

Outside storage of new and used equipment and materials shall be regulated as follows:

- 1) Residential Uses. Unenclosed outside storage of materials and equipment shall be restricted to the rear yard and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot. This provision shall not apply to the regular parking or storage of licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles that are regulated by other City codes. Specifically prohibited is the outside storage of appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site.
- 2) Office Uses. Outside storage of equipment or materials shall not be permitted for office uses.
- 3) Commercial Uses. Outside storage of equipment and materials shall be permitted for commercial uses as specified below:
  - A) Display of landscape or garden supplies, outdoor recreational equipment, and lawn equipment located in designated areas approved for such display as part of a development plan.
  - B) Display of new and used motor vehicles, boats, recreational vehicles, mobile homes, and other such vehicles located in designated area approved for such display as part of a development plan.
  - C) Storage of licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles located in designated areas approved for such storage as part of a development plan.
  - D) Display setups of products customarily used out of doors such as pools, spas, lawn furniture, concrete fixtures and other similar items.
  - E) Special sales events and other such uses when permitted by special exception or approved as part of a development plan.
  - F) Storage of licensed and inoperable motor vehicles waiting repair within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than twenty-eight (28) consecutive days.

- 4) Industrial Uses. Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
  - A) All storage areas shall be enclosed by an opaque wall, fence, or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
  - B) All equipment or materials shall be secured, if necessary, to withstand winds.
  - C) Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
  - D) No motor vehicles shall be stored for a period exceeding twenty-eight (28) consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.
- 5) Flea Markets. Outside storage and display is prohibited.

## **SECTION 2: HOME OCCUPATIONS**

- a) Intent. The purpose of this Section is to accomplish the following:
  - 1) Permit residents of the City a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
  - 2) Protect residential areas from adverse impacts of activities associated with home occupations.
  - 3) Establish criteria and development standards for home occupations conducted in residential uses.
- b) License Required. No home occupation shall be permitted without the appropriate business tax receipt (occupational license).
- c) Permitted Home Occupations.
  - 1) Office Uses. Professional and business office activities that do not involve more than one (1) client, customer, or employee visiting the premises per appointment.

- 2) Off-Site Sales Customary hobby crafts produced at hobbyist volumes in the home by family members.
  - 3) Off-Site Services. Services to other homeowners that do not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence of that size.
  - 4) Family Child Care Home, Day Care, or Nursery. A Family child care home, Day Care, or Nursery that has no more than five (5) children, including those related to the resident caregiver, and the child care is provided for a period of less than 24 hours a day on a regular basis. Traffic and roadway conditions shall be adequate to assure safe drop-off and pick-up of children from the site.
  - 5) Beauty and barber shop. Beauty and barber shop establishments that do not contain more than one chair, or involves more than one (1) client, customer, or employee visiting the premises per appointment.
  - 6) Dance, non-amplified musical instrument instruction and educational instruction with the private tutoring of no more than one (1) student per session.
  - 7) Real estate sales and brokerage. Real estate sales and brokerage businesses that do not involve more than one (1) client, customer, or employee visiting the premises per appointment.
  - 8) Photography studios that have no more than one (1) client, customer, or employee visiting the premises per appointment. Photography studios operating as a home occupation may not include photography or photographs of a pornographic nature.
  - 9) Upholstering. Upholstering businesses that do not involve more than one (1) client, customer, or employee visiting the premises per appointment.
  - 10) Painting of vehicles, trailer, or boats. Business that paint vehicles, trailers, or boats provided that they do not involve more than one (1) client, customer, or employee visiting the premises per appointment.
- d) Prohibited Home Occupations.
- 1) Motor vehicle and boat repair; vehicle customization to include, but not be limited to, installation of accessories such as lights, sirens, car phones, etc.
  - 2) Amplified musical instrument instruction.
  - 3) Retail sales (except garage sales).

- 4) Welding.
- 5) Taxidermy.
- e) Restrictions. Home occupations are permitted as accessory uses in all residential zones and subject to the following restrictions:
  - 1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.
  - 2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of non-residential use, except for a maximum one (1) square foot non-illuminated wall sign located adjacent to the main entrance of the structure.
  - 3) Any business that involves storage, processes, employees, equipment or any other activity not permitted by this Section shall provide proof of a property zoned and licensed business location housing those activities.
  - 4) No home occupation shall occupy more than twenty (20) percent of the air conditioned first floor area of the residence.
  - 5) There shall be no display of products visible in any manner from the outside of the dwelling.
  - 6) No equipment or process shall be used that creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
  - 7) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.
  - 8) No home occupation shall generate traffic on a regular basis greater than that customarily generated by the type of residence involved.
  - 9) No equipment or process shall be used in a home occupation that creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing in the neighborhood.
  - 10) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the City.

- 11) No home occupation shall adversely impact the character of the surrounding residential area.
- 12) Home occupations should not create noise, odor, or waste, beyond that which would be generated by the average similar type resident.
- 13) All waste generated by a home occupation shall be disposed of according to local, state, and federal regulations, including those regulations set forth by the Environmental Protection Agency (EPA).
- 14) All hazardous materials used by a home occupation shall be stored according to the standards set forth by the Occupational Safety and Health Administration (OSHA).
- 15) All home occupations shall uphold all requirements of the Florida State Statutes and shall not be construed to allow any activities that are against the City of Umatilla's codes or Florida State Statutes.
- 16) The City Code Enforcement officer shall retain the right to inspect a home occupation.
- 17) Any violation of a use restriction contained in this section of the code, or any other restriction herein, shall be grounds for the revocation of or the refusal to renew, a business tax receipt (occupational license) by the City Manager. The applicant can request to appeal the City Manager's decision to the City Council within 30 days from the receipt of notification

**SECTION 3: FENCES AND WALLS**

- a) In General. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- b) Permit Required. No fence or wall shall be permitted without the appropriate building permit.
- c) General Provisions.
  - 1) Restrictions.
    - A) No barbed wire, razor wire, or similar material shall be allowed for residential uses. Temporary security fencing may be allowed for construction sites in residential zones.
    - B) Barbed wire shall be prohibited for commercial and industrial uses, except when installed at eight (8) foot height or greater.

- C) Hog wire (field fence) or chicken wire shall be permitted in residential use if properly screened by a board, picket, cross-tie, or similar material type fencing.
- 2) Height.
- A) For residential uses, no permanent fence or wall shall exceed eight (8) feet in height in rear or side yards.
  - B) For residential uses, no permanent fence or wall shall exceed four (4) feet in height (Ordinance 1994-C) within the front or side yard abutting rights-of-way.
  - C) For commercial and industrial uses, no permanent fences or wall shall exceed ten (10) feet in height unless approved as part of a development plan.
  - D) For uses abutting lakes, streams or any open water body, no permanent fence or wall shall exceed four (4) feet in height.
- 3) Location.
- A) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with Section 6 of this Chapter.
  - B) Location of fence or wall shall be the responsibility of the owner and in no way encroach onto another property or public right-of-way.
- 4) Exemptions.
- A) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
  - B) Fences required or installed to provide rear lot screening of residential uses shall be exempt from right-of-way setback requirements. However, such fences shall comply with requirements to provide visibility clearance at intersections as described in Section 6 of this Chapter.

**SECTION 4: SETBACKS**

- a) In General. This Section provides for accessory structures to be located within required building setback areas. Recorded easements and required landscape buffers shall supersede the minimum dimensions permitted by this Section.

**STRUCTURE OR BUILDING FEATURE**

**SETBACK\***

Antenna Dish	5' from property line in rear yard area
Carport/Garage, Freestanding	5' from property line in rear yard area
Deck, Wood	5' from property line in rear yard area
Pool, Swimming	10' from property line in rear yard area
Screen Pool Enclosure	10' from property line in rear yard area
Screen Room	15' from property line in rear yard area
Storage Building	5' from property line in rear yard area
Tennis court (residential)	10' from property line in rear yard area

\* All setbacks not referenced must comply with principal structure.

**SECTION 5: HEIGHT.**

- a) In General. Unless otherwise described in this Section, the maximum permitted height for any structure shall be as outlined in the Schedule of District Regulations.
- b) Established Height for Specific Structures.

<b>STRUCTURE</b>	<b>MAXIMUM HEIGHT</b>
Antenna, Tower Residential Uses Non-Residential Uses	40 feet 125 feet
Antenna, Dish (Ground Mounted) Residential Uses Non-Residential Uses	15 feet 20 feet
Carports, Freestanding	Not to exceed the height of the existing principal structure
Storage Buildings Residential Uses Non-Residential Uses	12 feet 18 feet

**SECTION 6: VISUAL CLEARANCE**

- a) In General.

The following areas shall be designed and maintained to allow visibility between three (3) feet and eight (8) feet above grade. Tree trunks trimmed of foliage to eight (8) feet, and newly planted landscape material with immature crown development shall be exempt.



- 1) At the intersection of two public rights-of-way, a triangle described by the intersection of the right-of-way lines extended, and a line joining points on those lines thirty (30) feet from said intersection.
- 2) At the intersection of a private driveway and a public right-of-way, a triangle described by the intersection of the edge of the driveway and the right-of-way line, and a line joining points on those lines ten (10) feet from said intersection.
- 3) In the area along all public rights-of-way measured five (5) feet perpendicular from said right-of-way.
- 4) In the area along all access driveways measured three (3) feet perpendicular to the edge of the drive.
- 5) In all cases, minimum sight distances necessary to satisfy the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and FDOT Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways shall be maintained. Additional clear zone areas may be required based on the specific geometry of a particular location.

**SECTION 8: GARAGE AND YARD SALES**

- a) Permit Required. It shall be unlawful for any person to engage in or conduct the business of garage or yard sales for the sale of goods, wares, merchandise or personal property of any kind whatsoever within the corporate limits of the city, without a permit to do so issued by the City Clerk.
- b) Number of Permits. A separate permit for each garage or yard sale shall be required and no more than two (2) permits shall be issued for the same location in any twelve month period. No sale shall continue for more than three (3) consecutive days. Each permit is subject to the restrictions and requirements of paragraph (c) below.
- c) Application. Applicants for permits shall file with the City Clerk a sworn application on a form furnished by the City Clerk containing the following:
  - 1) Name and address of applicant and location of sale.
  - 2) Date of sale and nature of goods.
  - 3) An agreement that the applicant will not erect any signs blocking or obstructing the view of drivers, on any street right-of-way and no more than two (2) signs shall be permitted.

- 4) An agreement that the applicant will make provision for parking to eliminate any traffic hazard.
- 5) An agreement that each permit issued hereunder shall be displayed by the applicant on the premises in full view from the street.
- d) Permit Issuance. Permits shall be issued at no cost to the applicant and shall not be transferable. Permits issued under this section may be revoked and new permits denied by the City Clerk for just cause. It shall be just cause, if in the opinion of the Chief of Police of the City, the sale would create a traffic hazard or become a public nuisance.
- e) Violations. Violations of this section shall subject the person, firm or property owner to a penalty of ten dollars (\$10.00) for the first violation, fifteen dollars (\$15.00) for the second violation, and twenty-five dollars (\$25.00) for each and every subsequent violation. These penalties are not an exclusive remedy and nothing herein shall preclude the City from a civil suit to enjoin any violation.
- f) Enforcement.
  - 1) Violations observed by an enforcement officer. Upon observing a violation of this section or if probable cause exists, an enforcement officer may commence prosecution of the violation.
  - 2) Violations not observed by an enforcement officer. Prosecution of violators of this section may be commenced by an enforcement officer upon receipt of an affidavit of complaint from one or more persons signed and sworn to under oath before an individual authorized to take acknowledgements setting forth the nature and date of the violation, the identification of the violator and his address, if known.
  - 3) The Code Enforcement Board, as established in Chapter 3 of this Code, shall have jurisdiction to hear and decide cases involving alleged violations of this section and may levy fines pursuant to said section.

**SECTION 9: MEDICAL MARIJUANA DISPENSING FACILITIES**

Medical marijuana treatment center dispensing facilities are banned and prohibited within the boundaries of the City of Umatilla.

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