

ORDINANCE 2015-01

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE CHAPTER 7.15.00 DISTRICT REGULATIONS; PROVIDING FOR NEW SECTIONS 7.15.01(J)(4) ENCROACHING OPEN PORCHES; 7.15.01(J)(5) DECKS; 7.15.02(J)(5) ENCROACHING OPEN PORCHES; 7.15.02(J)(6) DECKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is committed to a fair and uniform application of its codes and ordinances; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA THAT:

NOTE: Language contained within this ordinance that is ~~struck through~~ is proposed to be deleted, language which is underlined is proposed to be added, and **** denotes a section or sections of the existing Code that have been skipped and are to remain unchanged.

SECTION I - AMENDING

Sec. 7.15.01 (J)(4) ENCROACHING OPEN PORCHES

An encroaching open or unenclosed porch is a porch which extends into the building setback, is non-heated and non-cooled, roofed space attached to an outer wall of a building, open on three (3) or more sides without walls, glass, windows, doors, canvas, screen or similar materials affixed to the open sides. An open porch may have railings and guardrails up to 42" in height. Open porches may encroach five (5) feet into the front and rear building setbacks but must meet the side yard building setbacks.

Sec. 7.15.01 (J)(5) DECKS

A deck is an unenclosed, unroofed and un-walled structure that is typically elevated. Decks must meet the handrail, guardrail and step requirements of the Florida Building Code. A deck may encroach five (5) feet into the rear building setback.

Sec. 7.15.02 (J)(5) ENCROACHING OPEN PORCHES

An encroaching open or unenclosed porch is a porch which extends into the building setback, is a non-heated and non-cooled, roofed space attached to an outer wall of a building, open on three (3) or more sides without walls, glass, windows, doors, canvas, screen or similar materials affixed to the open sides. An open porch may have railings and guardrails up to 42" in height. Open porches may encroach five (5) feet into the front and rear building setbacks but must meet the side yard building setbacks.

Sec. 7.15.02 (J)(6) DECKS

A deck is an unenclosed, unroofed and un-walled structure that is typically elevated. Decks must meet the handrail, guardrail and step requirements of the Florida Building Code. A deck may encroach five (5) feet into the rear building setback.

SECTION II - SEVERABILITY

Should any part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts shall remain in full force and effect.

SECTION III - CONFLICT

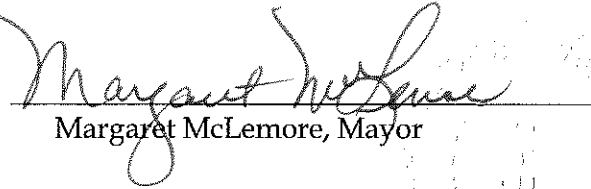
This Ordinance shall prevail over all prior Ordinances or Resolutions or parts thereof in conflict herewith, and are hereby repealed to the extent of such conflict.

SECTION IV - EFFECTIVE DATE


This ordinance shall become effective upon adoption according to law.

SO DONE THIS 6th day of APRIL 2015.

By:


Margaret McLemore, Mayor

ATTEST:


Dana L.S. Williams, CMC
City Clerk

1st Reading: 3/2/15
Published: 3/27/15
2nd Reading: 4/6/15