

ORDINANCE 2008-09

AN ORDINANCE AMENDING AND PROVIDING ADDITIONAL ZONING REGULATION DEFINITIONS; AMENDING THE REQUIREMENT FOR GARAGES AND AMENDING REGULATIONS THEREOF; PROVIDING ADDITIONAL SPECIFICATIONS FOR GARAGES AND CARPORTS; AND, AMENDING THE REGULATION OF ACCESSORY BUILDINGS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHOREACRES, THAT:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That section 74-1 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-1. Definitions.

(a) For the purposes of this chapter, the following words and terms as used herein are defined. ~~[(1)]~~ Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular; the word "building" includes the word "structure", the word "lot" includes the word "plot"; the word "shall" is mandatory and not discretionary.

(1) ~~[(4)]~~ *Accessory* means a subordinate use of a building customarily incident to and located on the lot supplied by the main use or building.

(2) *Accessory building* means any structure other than the primary house or either the primary or secondary garage on a piece of property. Accessory buildings include storage sheds, utility buildings, pool houses, and decorative structures such as gazebos and green houses.

(3) ~~[(9)]~~ *Building area* means the maximum horizontal projected area of the building at or above grade or for more than one floor level, the total projected area of all floors, exclusive of the floor area of attached garages, basements, or attics not used for residence purposes, and open or screened porches, and terraces, steps, pools, walks, drives, and parking area.

(4) *Carport or porte-cochere* means a structure with a roof attached to the primary house or the primary garage and with at least two open sides used for parking motorized vehicles on the premises where such structure is located. Motorized vehicles, include, but are not limited to, automobiles, boats, jet skis, tractors, and recreational vehicles.

(5) ~~[(13)]~~ *Corner lot* means a lot situated at the junction of two or more streets.

(6) ~~[(2)]~~ *Customary home occupations* means an occupation, not involving the conduct of a business, customarily carried on in a single-family dwelling as an incidental but not the principal use thereof by a member of the occupant's family residing on the premises, without the

help of any assistant or employee, without structural alterations in the building or any of its rooms, without the installation of any machinery or equipment other than that customary to normal household operations, without the use of any signs, display or advertisements of the occupation or the telephone number of the same, the person conducting the same, or of the occupant, and which occupation does not cause the generation of any traffic in the street nor involve the storage or display of any merchandise or commodity, and which occupation does not include: beauty schools, parlors or shops, doctor's or dentist offices for the treatment of patients, barbershops, carpenters shops, electrician's shops, shoe shops, plumbers shops, radio shops, tinner's shops, auto repairing, auto painting, boat repairing, furniture repairing, sign painting or real estate offices, but not limited to those so enumerated, and which occupations are not detrimental or injurious to adjoining property, and which occupation does not involve the conduct of a school, the exceptions being in district "G" and with home-schooling, and which occupation does not include the keeping, stabling, pasturing, boarding or caring for the horses, cattle, dogs, cats, fowl or other animals of persons other than the occupants of the main building.

(7) [(5)] *Depth of lot* means the mean horizontal distance between the front and rear lot lines.

(8) [(6)] *District* means a portion of the City of Shoreacres for which the regulations governing the area, type, construction, height, or use of the buildings and land are uniform.

(9) [(26)] *Driveway* means a way or place in private ownership and used for vehicular travel by the owner and those having access or implied permission from the owner but not by other persons.

(10) [(27)] *Expansion joint* means a space between sections of a driveway constructed for the purpose of allowing for expansion to prevent the bucking and cracking of the driveway.

(11) [(3)] *Easement* means a reserved area for placement of water, sewer, gas, and other utility lines.

(12) [(7)] *Family* means [a family is] any number of individuals related by blood, adoption, or marriage, together with their domestic servants and not more [from (six)] than two lodgers, all living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club fraternity, sorority, motel, apartment, duplex, or hotel.

(13) *Front structure line* means the forward most point at which the structure meets a line across the width of the lot parallel to the front lot line.

(14) [(8)] *Front yard* means the front portion of each lot or lots from the front building line to the front line of the lot or lots.

(15) *Garage* means a fully enclosed structure, with doors, that can be used to shelter motorized vehicles, including, but not limited to, automobiles, boat trailers, jet skis, tractors, and recreational vehicles.

(16) ~~[(10)]~~ *Height* means the vertical distance from base flood elevation to the average elevation of the roof over the highest story. In measuring the height of a building, the following structures shall be excluded: chimneys, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding four feet in height.

(17) ~~[(11)]~~ *Lot* means land occupied or intended to be occupied by a building and its accessory buildings, including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

(18) ~~[(12)]~~ *Lot line* means the lines bounding a lot as defined herein.

(19) ~~[(13)]~~ *Masonry* means exterior surfaces of the outside walls of a structure which is constructed of brick veneer, solid brick, hollow tile, stone, concrete, marble, glass or a combination of any of these materials.

(20) *Motor Vehicle* means a self-propelled vehicle designed for use on a highway, a trailer or semi trailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails.

(21) ~~[(14)]~~ *Nonconforming use* means a building or premises occupied by a use that does not conform to the regulations of the district in which it is situated.

(22) ~~[(15)]~~ *Open space* means any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no building whatsoever.

~~[(17) *Garage* means a structure with parking capacity for private vehicles, with capacity of not less than two motor-driven vehicles and not more than five motor-driven vehicles.]~~

(23) *Rear structure line* means the rear most point at which the structure meets a line across the width of the lot parallel to the back lot line.

(24) ~~[(18)]~~ *Rear yard* means the rear portion of each lot between the main building and the rear lot line.

(25) ~~[(20)]~~ *Shipping container/storage container* means a portable compartment for the repeated carriage of cargo in bulk or package form that has the following characteristics (a) of a permanent character and accordingly strong enough for repeated use, (b) specially designed to facilitate the carriage of goods by one or more modes of transport without intermediate reloading, (c) fitted with devices permitting its ready handling particularly its transfer from one mode of transport to another, (d) so designed as to be easy to fill and empty, and any enclosure, device, box, container, or anything similar in nature or use to the above. The term shipping or storage container includes all types involved in the maritime, railroad, and trucking industries including but not limited to flat racks, ventilated, half-height, tank, reefers, open-top, canvas top, high cube bulk, and similar named containers. The term applies to new, used, certified, documented, licensed, repaired or surplus containers constructed of any material. If a container ever met the above definition, it

is still considered a shipping container or storage. Once a container -- always a container.

(26) ~~[(19)]~~ *Side yard* means an open, unoccupied space on the same lot with a building extending between the building and the side line of the lot and extending through from the street or from the front yard or to the rear line of the lot. Any lot line not a rear lot line or a front line shall be deemed a side line.

(27) ~~[(15)]~~ *Single-family dwelling* means a detached building having accommodations for and occupied by only one family.

(28) ~~[(21)]~~ *Story* means that portion of a building included between the surface of any floor or foundation slab and the surface of the floor next above it or if there ~~[be]~~ is no floor above, then the space between such floor and the ceiling next above it.

(29) ~~[(20)]~~ *Street* means a public thoroughfare.

(30) ~~[(22)]~~ *Structural alterations* means any alteration of stressed members of a building and including movement or structural alteration of door and window openings and substantial changes of exterior appearance.

(31) ~~[(25)]~~ *Temporary building* means a building or premises occupied for a specific temporary purpose.

(32) ~~[(23)]~~ *Width of side yard* means the mean horizontal distance between a side wall of a building and the side line of the lot.

That section 74-206 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-206. District regulations.

(a) In district E, the uses permitted in this district are limited to single-family detached homes. All regulations applicable to this district are outlined in Ordinance No. 96-04.

(b) The density shall be one dwelling unit per lot.

(c) The area of the main building in E district hereafter erected shall not be less than 1,800 square feet.

(d) *The minimum lot size shall be 6,500 square feet. No portion of a street right-of-way may be used toward meeting the minimum lot size requirement.

(e) *The minimum street frontage shall be 100 feet for all lots abutting West Country Club Drive and 60 feet for all other lots in the district.

(f) *The minimum lot depth shall be 80 feet for all lots.

**Note:* Lots must meet all criteria listed in this division. A lot 60 feet wide must have a depth greater than 80 feet to meet the minimum lot size requirement of 6,500 square feet. Lots bordering West Country Club Drive could be no less than 8,000 square feet in size in order to meet the minimum width and depth requirements.

(g) The height of a building in district E shall not exceed 28 feet.

- (h) The minimum front yard setback shall be not less than 20 feet from street right-of-way line for all lots east of Bayou Forest Drive and not less than 30 feet from the street right-of-way for all lots west of Bayou Forest Drive.
- (i) No building shall be less than ten feet from the rear lot line.
- (j) All buildings shall have total side yard setbacks of at least 15 feet, with no less than five feet on any side. Except that detached garages may be no less than three feet from any side property line. When two structures on adjoining lots are less than ten feet apart, the second structure must have a two-hour fire wall.
- (k) The outside facade of all houses shall be comprised of not less than 60 percent brick, exclusive of glass windows and roofs.
- (l) All lots abutting West Country Club Drive shall have a six-foot-high privacy fence constructed of either cedar or brick or a combination of both, which shall border West Country Club Drive. All other fencing in the district shall not be higher than six feet and shall be cedar, masonry, wrought iron or any combination. Fences abutting water shall be made of wrought iron. Hedges shall not be higher than six feet.
- (m) Each house shall provide no less than ~~[a two-car]~~ one 484 square foot garage with a capacity of not less than two passenger cars and at least two additional off-street parking spaces in the driveway within the lot. There shall be no driveways entering from West Country Club Drive.
- (n) Minor residential street rights-of-way shall not be less than 50 feet wide nor have a paved street width of less than 28 feet measured from back to back of curbs. Secondary collector streets and major streets shall be wider and shall meet the width requirements contained in appendix A. No portion of any lot shall be counted as part of the street right-of-way.
- (o) All subdivisions or developments within this district shall contain an entrance structure at each entrance. Such structures shall be similar in character to and compatible with the entrance structure at Bayou Forest Subdivision.

That section 74-156 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-156. Uses permitted.

In single-family dwelling districts A, B, B-1, C and E, the following shall apply. No land shall be used or divided or subdivided and no building shall be hereafter erected or structurally altered, used, constructed, or occupied except for one or more of the following uses:

- (1) One single-family dwelling which shall include or have as a residential accessory building ~~[one private garage]~~ at least one garage and no more than one detached garage.
- (2) Churches or similar places of worship.
- (3) Municipal building and other place uses conducted by the city, county, state, or federal governments.
- (4) Public parks and playgrounds.
- (5) Temporary buildings not exceeding 500 square feet in floor area for uses (not including for residential purposes) which are incidental to construction work on the premises, but only after a building permit has

been obtained describing [~~the use to made of it,~~] its use, which shall continue only so long as reasonably necessary for such purposes, and not over one year in any event. All such buildings shall be removed upon completion or abandonment of the construction work to which they are incidental.

(6) Temporary structures (not exceeding 500 square feet in floor area) during the development of residential subdivisions, such structures being located thereon, but not to continue in excess of one year, except with the consent of the board of adjustment obtained as hereinafter provided. A building permit describing such use and time limit shall be obtained before construction of any such structure.

(7) Residential accessory uses and residential accessory buildings are herein defined, but not including any business or occupation of any kind not falling within the definition of customary home occupations as hereinbefore set forth.

That section 74-159 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-159. Garage required.

Every [~~person desiring to construct a~~] single-family dwelling within the city shall have [~~, in addition to or in connection with the construction of the single-family dwelling, a garage with a~~] at least one garage with a minimum area of 484 square feet and capacity of not less than two passenger cars [and not more than five passenger cars].

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 74-160, which section reads as follows:

Sec. 74-160. Accessory buildings.

(a) Accessory buildings, including carports and garages, as defined in Section 74.1, will be allowed provided they meet the following criteria.

(1) The aggregate area of all carports, accessory buildings and garages shall not exceed 3300 square feet, unless approved by the Board of Adjustments.

(2) The maximum size of any one accessory building shall not exceed 2400 square feet.

(3) The aggregate area of all carports, accessory buildings and garages, shall not exceed 25% of the area of the rear and side lot, defined as the full width of the lot between the rear property line and the front structure line of the house, projected to the side property lines of the lot excluding the area covered by the primary building.

(4) The maximum exterior wall height of an accessory building shall not be more than 16 feet on all four sides, unless approved by the Board of Adjustments.

(5) Shall not be used as a dwelling space.

(b) Specifications for garages.

(1) No more than one detached garage will be allowed, unless approved by the Board of Adjustments.

~~[(2) Garages shall not be used as a dwelling space.]~~

[(3)] (2) A detached garage must be located in the side or rear yard and must be behind the front structure line of the primary building with a minimum distance of 5 feet between any portion or extension of the primary dwelling structure and the garage. All garages shall be fully enclosed with a door to conceal motor vehicle access.

~~[-(4) The maximum exterior wall height of a second garage shall not be more than 16 feet on all four sides, unless approved by the Board of Adjustments.]~~

(c) Carports must be incorporated into the design of the house and attached to the house or detached garage.

That the Shoreacres City Code is hereby amended by deleting section 74-365 as follows:

~~[Sec. 74-365. Definition.~~

~~An accessory building is defined as any structure other than the primary house or building or the associated garage on a piece of property. A garage is defined as a structure with parking capacity for private vehicles. Accessory buildings include storage sheds, utility buildings, pool houses, and decorative structures such as gazebos, green houses or other structures typical to the primary use of the property.]~~

That the Shoreacres City Code is hereby amended by deleting section 74-366 as follows:

~~[Sec. 74-366. Location.~~

~~An accessory building shall be located in the side or rear yard and must be located behind either the front building line of the property or the front wall of the primary building, whichever is located farther from the front of the property. No accessory building shall be closer than five feet to any rear or side lot line. All accessory buildings shall be located on the same lot as the principal or main structure.]~~

That the Shoreacres City Code is hereby amended by deleting section 74-367 as follows:

~~[Sec. 74-367. Number.~~

~~No more than two accessory buildings per platted lot shall be allowed, unless otherwise approved by the board of adjustments.]~~

That the Shoreacres City Code is hereby amended by deleting section 74-368 as follows:

~~[Sec. 74-368. Size.~~

~~An accessory building may not be taller than the primary structure on the property and in no case taller than 15 feet. The combined size of all accessory buildings on a property may not exceed 300 square feet, unless otherwise approved by the board of adjustments.]~~

That the Shoreacres City Code is hereby amended by deleting section 74-369 as follows:

~~[Sec. 74-369. Construction regulations.~~

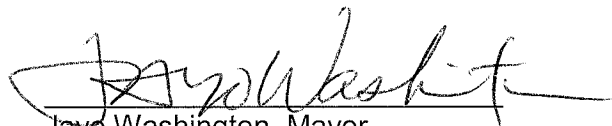
~~The entire frame of the structure must be hurricane clipped or strapped and securely tied to the foundation or anchors.]~~

That the Shoreacres City Code is hereby amended by deleting section 74-370 as follows:


~~[Sec. 74-370. Permit required.~~

~~A building permit must be obtained from the city authorizing the placement of or construction of an accessory building. Any person who places or builds an accessory building without a building permit shall be deemed guilty of a misdemeanor and upon conviction may be fined up to \$200.00 per day, with each day that the wrongful condition exists deemed a separate offense.]~~

PASSED AND APPROVED this the 26TH day of MAY 2008.


Jayo Washington, Mayor

ATTEST:



David K. Stall
City Secretary