

**ORDINANCE NO. 2018-03**

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES OF *THE LAND DEVELOPMENT CODE* BY CREATING A NEW SUB-PARAGRAPH TO BE TITLED "GAS TANKS" AND AMENDING SUB-PARAGRAPH (R) GENERATORS BY AMENDING THE LOCATION CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, this is an administrative request to amend the *Land Development Code* ("the *LDC*"), of the City of Ormond Beach, by creating location criteria for Gas Tanks and by amending the location criteria for generators, and

**WHEREAS**, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on November 9, 2017, on the requested amendment and has made recommendations thereon to the City Commission, and

**WHEREAS**, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

**WHEREAS**, the City Commission finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** Section 2-50, Accessory Uses of Article III, General Regulations, of Chapter 2, District and General Regulations, of the *LDC* is hereby amended to read as follows:

(p) Garage Sales. ...(No change in existing text)...

(q) Gas tanks:

- (1) Underground liquid propane (LP) gas tanks are permitted in any yard.
- (2) No gas tank shall be permitted in a required landscape buffer.
- (3) Aboveground gas tanks are prohibited in the front and side corner yards. Aboveground gas tanks are required to be set back a minimum of seven and one-half feet (7½') from the rear or side interior yards. Aboveground tanks shall be screened with the use of fences, walls, or landscaping and shown on the site plan or building permit application.
- (4) Gas tanks shall comply with all applicable Florida Building Code regulations.

(qr) Generators. Generators are permitted as follows:

- (1) Permanent generators shall be located to minimize the impacts to surrounding properties.
- (2) In residential zoning districts, generators are prohibited from being located in the front of the single-family house or multifamily structure, or within the side corner yard setback.
- (3) In residential zoning districts, generators may be located within the rear or side interior yards and shall ~~be set back a minimum of seven and one-half feet (7½')~~ not encroach more than four feet (4') into from the rear or side interior yards.
- (4) In nonresidential zoning districts, generators shall not be located in front of the existing or proposed structure or the side corner yard.

- (5) In nonresidential zoning districts, generators are permitted to be located in the rear or side interior setbacks, but no closer than seven and one-half feet (7½') from the rear or side interior yards.
- (6) In nonresidential zoning districts, generators shall be screened with the use of fences, walls, or landscaping and shown on the site plan or building permit application.
- ~~(7) In all zoning districts, aboveground or underground gas tanks are required to be set back a minimum of seven and one-half feet (7½') from the rear or side interior yards. Aboveground tanks shall be screened with the use of fences, walls, or landscaping and shown on the site plan or building permit application.~~

- (~~f~~ s) *Greenhouses.* ...(No change in existing text)...
- (~~s~~ t) *Home occupations.* ...(No change in existing text)...
- (~~t~~ u) *Manager's residence in commercial and industrial districts.* ...(No change in existing text)...
- (~~u~~ v) *Outdoor activities.* ...(No change in existing text)...
- (~~v~~ w) *Outdoor storage, parking or use of personal property in a residential district.* ...(No change in existing text)...
- (~~w~~ x) *Patios/decks.* ...(No change in existing text)...
- (~~x~~ y) *Pools.* ...(No change in existing text)...
- (~~y~~ z) *Ranger's residence.* ...(No change in existing text)...
- (~~z~~ aa) *Recreational vehicle/boat storage.* ...(No change in existing text)...
- (~~aa~~ bb) *Screen porches/enclosures.* ...(No change in existing text)...
- (~~bb~~ cc) *Sheds, utility structures, playhouses and gazebos.* ...(No change in existing text)...
- (~~cc~~ dd) *Solar energy systems.* ...(No change in existing text)...
- (~~dd~~ ee) *Tailwater recovery system.* ...(No change in existing text)...
- (~~ee~~ ff) *Tennis courts.* ...(No change in existing text)...

(ff gg) *Temporary sales office.* ...(No change in existing text)...

(gg hh) *Temporary structure.* ...(No change in existing text)...

**SECTION TWO.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION THREE.** In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

**SECTION FOUR.** This Ordinance shall take effect immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission, this 2nd day of January, 2018.

**PASSED UPON** at the second and final reading of the City Commission, this 16th day of January, 2018.



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**BILL PARTINGTON**  
Mayor

**ATTEST:**



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**J. SCOTT MCKEE**  
City Clerk