

lot line rather than the front lot line, or in residential corner lots where the house is angled to face two streets. On a corner lot, the front lot line is determined to be the shorter of the lot lines abutting a street, in accordance with Article 9, Part 5, definition of *Lot Line, Front*. This determination, in turn, limits where a pool can be located, as code section 155.4302.B.2. prohibits any accessory use or structure from being located in a required yard or in front of the principal structure, unless specifically stated otherwise within an individual use standard. In corner lots, this means the pool can only be located in the rear or interior side setback, which may not provide the adequate space necessary for a pool. This proves difficult for some existing residences located in the RS-2 zoning districts, as this district was zoned RA-2 (Residence A-2) prior to the 1991 conversion to RS-2. At the time, the RA-2 zoning district allowed rear setbacks of as little as 15 feet, whereas the RS-2 zoning district requires a 20-foot rear setback today. This development constraint has resulted in a high amount of properties requesting variances from the Zoning Board of Appeals. Between August of 2020 and August of 2021, there have been ten variance application requests to allow pools in corner lots.

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An assessment of swimming pool location regulations was conducted of neighboring similar cities in order to compare the City of Pompano Beach regulations for the same. The following table shows the results of this

(04:30)

10. COMP PLAN TEXT AMENDMENT TO ADD PROPERTY RIGHTS ELEMENT

Request:	Property Rights Element
P&Z#	21-92000002
Owner:	City of Pompano Beach
Project Location:	City of Pompano Beach
Folio Number:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	Applies to entire City
Agent:	Jean Dolan
Project Planner:	Jean Dolan

Ms. Jean Dolan, Principal Planner, introduced herself to the Board. She stated that the State Legislature passed House Bill 59 this legislative session. It became law on June 29, 2021 and was effective on July 1, 2021. This law adds a Property Rights Element to the required elements in a Comprehensive Plan per new Section 163.3177(6)(i), Florida Statutes. The Element must contain a minimum of 4 policies that are already recognized and constitutionally protected. The new property rights element must be adopted before any other comprehensive plan map or text amendments submitted after July 1, 2021, can be adopted or effective. The policies related to: the right to physical possession, the right to develop, maintain, and improve property, the right to privacy and exclusive use, and the right to sell or gift a property to others. She stated city staff is requesting the Board consider the following possible motions:

Alternative Motion I: Recommend approval of the proposed Property Rights Element as the Board finds the proposed element meets the requirements of House Bill 59 which added these requirements to Section 163.3177(6)(i), Florida Statutes.

Alternative Motion II: Table the proposed Property Rights Element to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

Staff recommends Motion I.

Ms. Coleman stated she would feel more comfortable with the language stating “requirements of House Bill 59 as passed and enrolled by the Florida Legislature” as the bill can mean anything and not necessarily the law that passed. Mr. Saunders stated that would be sufficient. Ms. Coleman requested the language be added as an amendment to Alternative Motion I.

(09:57)

MOTION by Carla Coleman and seconded by Joan Kovac that the Board recommend approval for Comprehensive Plan Text Amendment #21-92000002 per Alternative Motion I as amended. All voted in favor of the motion.

(10:40)

Mr. Stacer asked retroactively if anyone from the public wished to speak on the item. There were none. Mr. Stacer closed the public hearing.

Mr. Saunders stated for the record that staff did include the statute as a reference.

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11. AUDIENCE TO BE HEARD

12. OTHER BUSINESS