



City Attorney's Communication #2021-1047

August 31, 2021

TO: Lauren Gratzer, Planner

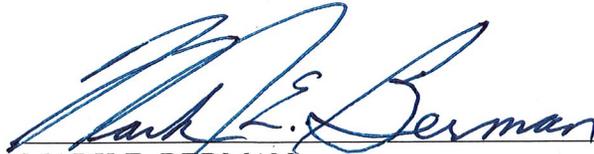
FROM: Mark E. Berman, City Attorney

RE: Ordinance – / Swimming Pool and Fence Text Amendment

As requested in your memorandum of August 30, 2021, Department of Development Services Memorandum No. 21-097, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO EXPAND AUTHORIZED AREAS FOR LOCATION OF RESIDENTIAL SWIMMING POOLS; AND BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED RESIDENTIAL SWIMMING POOL, SPA, OR HOT TUB; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact my office if we may be of further assistance.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2021-1047

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO EXPAND AUTHORIZED AREAS FOR LOCATION OF RESIDENTIAL SWIMMING POOLS; AND BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED RESIDENTIAL SWIMMING POOL, SPA, OR HOT TUB; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

GG. SWIMMING POOL, SPA, OR HOT TUB

1. Districts Where Permitted

...

3. Standards

- a. In all zoning districts except I-1 and OIP, a swimming pool, spa, or hot tub is allowed as an accessory use or structure provided it complies with all applicable standards in the Building Code—including, but not limited to, barrier requirements.

...

d. Setbacks

- i. A swimming pool, spa, or hot tub may be located in a required interior side yard setback, street side yard setback, or required rear yard setback.
- ii. A swimming pool, spa, or hot tub shall be located at least five feet from any interior side, street side, or rear lot line.
- iii. The measurements shall be taken from the inner edge or water line of the pool.
- iv. A swimming pool , spa, or hot tub may be located in any required yard setback and in front of the principal structure, provided that the lot is a corner lot or a through lot. A swimming pool, spa, or hot tub shall be located at least five feet from the front property line.

...

SECTION 2. That Section 155.5302., "Fences and Walls," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§155.5302. FENCES AND WALLS

...

D. HEIGHT REQUIREMENTS FOR FENCES AND WALLS

1. Applicability

a. General

Except for fences or walls exempted by subsection b below, a fence or wall shall comply with the height limits in this subsection. Fence or wall height is measured from natural grade.

b. Exemptions

i. Required Screening

A fence or wall provided to meet the standards of Section 155.5301, Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of ten feet.

...

v. Corner Lot Fences and Walls

Fencing or walls required to comply with the residential swimming pool barrier requirements of Section 454.2.17, Florida Building Code, and Chapter 515, Florida Statutes, may be waived by the Development Services Director from the height restrictions of this subsection, provided that the following conditions are met:

- (A) The height of the fence or wall does not exceed the maximum height requirement for fences and walls within the zoning district in which the lot is located, and
- (B) In no event shall fences or walls be higher than those permitted on abutting lot lines.

...

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2021.

PASSED SECOND READING this _____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
9/14/21
L:ord/ch155/2021-286