

ORDINANCE NO. C-14-

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-19.2, ACCESSORY BUILDINGS, STRUCTURES AND EQUIPMENT, GENERAL, AND SECTION 47-23.8, WATERWAY USE, TO MODIFY THE APPLICATION OF YARD AND SETBACK REQUIREMENTS TO SWIMMING POOLS, HOT TUBS, SPAS AND OTHER SIMILAR OR ASSOCIATED STRUCTURES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at their meeting of February 19, 2014 the Planning and Zoning Board requested that staff propose an amendment to the Unified Land Development Regulations (“ULDR”) to reduce the required setback and yard restrictions for swimming pools; and

WHEREAS, at their meeting of March 19, 2014 the Planning and Zoning Board acting as the Local Planning Agency reviewed the proposed amendments and recommended approval; and

WHEREAS, at its public meeting on June 3, 2014, the City Commission heard public comment on the amendments to Sections 47-19.2 and 47-23.8 of the ULDR and recommended approval of the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-19.2, Accessory buildings, structures and equipment, general, of the Unified Land Development Regulations (hereinafter referred to as “ULDR”) of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-19.2. Accessory buildings, structures and equipment, general.

...

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

BB. Swimming pools, hot tubs and spas.

1. ~~An outdoor swimming pool, hot tub, spa or similar structure and their related architectural features such as waterfalls, when accessory to a standard single-family dwelling, zero lot line dwelling, duplex or two-family dwelling, townhouse, or cluster dwelling may be permitted as an accessory use in the required front, rear and side yard no closer than five (5) feet from any property line when such structure or feature is equal to or less than two and one-half (2-1/2) feet in height above the finished floor elevation of the ground floor of the principal building or buildings. Such outdoor swimming pool or similar structure when located within the required setback shall not exceed the finished floor elevation of the ground floor of the principal building or buildings. The height of a hot tub, spa or similar structure constructed as part of an outdoor swimming pool and within the required setback shall not exceed two and one-half (2½) feet in height above the finished floor elevation of the ground floor of the principal building or buildings.~~
2. ~~A swimming pool, hot tub or spa, when accessory to a hotel or multifamily dwelling, shall be subject to the minimum yard requirements of the zoning district in which it is located.~~
- ~~3.~~
2. A hand-hold for bathers must be provided in accordance with the requirements of the Florida Building Code. (Moved from Section 47-19.5.E.)
- ~~4.~~
3. Swimming pool setback measurements Measurements for swimming pools, hot tubs, spas or similar structures shall be made from the outer edge of the coping of the swimming pool, hot tub, spa or similar structure.

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~~5.~~
4. Screen enclosures in the required rear or side yard of a standard single family dwelling shall be located no closer than four (4) feet from any property line, except where the property abuts a waterway the screen enclosure shall be located no closer than ten (10) feet from the property line abutting the waterway. Such screen enclosure, if utilized, shall be no greater in height than twelve (12) feet for that portion of the screen enclosure protruding into the required rear yard. No more than five (5) percent of required pervious ground area may occur within the screen enclosure.

~~6.~~
5. A swimming pool, hot tub or spa which is covered or enclosed by material other than a screen enclosure shall be subject to the yard requirements of the zoning district in which it is located.

~~7.~~
6. Hot tubs or spas may be covered by freestanding shade structures, as provided for in this section.

...

SECTION 2. That Section 47-23.8, Waterway use, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-23.8. Waterway use.

A. Buildings and land uses on parcels abutting waterways in nonresidential districts and in multifamily districts shall be designed to preserve the character of the city and neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. Special provisions are needed to realize these objectives, which can be stated only in general terms, and at the same time permit a reasonable use of land and depend on details of design of the

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buildings, appurtenances, yards and landscaping and their relation to the waterway and other uses on the waterway.

B. For purposes of this Section 47-23.8, "on a waterway" means a development site which abuts a waterway. This section shall not apply to development within the downtown RAC, except for development within the RAC-RPO district, and shall not apply to the central beach area districts. Any proposed nonresidential or multifamily use on a waterway shall require a site plan level III development permit, as provided in Section 47-24, Development Permits and Procedures. The application shall include all elevations visible from the waterfront. A use on a waterway shall, in addition to all other requirements of the ULDR, meet the requirements as follows:

1. A twenty-foot landscaped yard is required adjacent to the existing bulkhead line. The required twenty-foot yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve permitted nonresidential or multifamily waterfront uses, unless specifically approved by the planning and zoning board. The twenty (20) foot yard shall not apply to marinas, ~~or yacht clubs~~ yacht clubs, swimming pools, hot tubs, spas or decks.
2. Review of Neighborhood Compatibility, Scale, Bulk and Mass, as provided in Section 47-25.3.A.3.e.i.

C. Any property zoned B-2, B-3 or I which abuts a waterway shall be used for a marina, a hotel marina, or a shipyard, where such uses are permitted within the B-2, B-3 or I zoning districts.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the _____ day of _____, 2014.

PASSED SECOND READING this the _____ day of _____, 2014.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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