



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0425

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: May 6, 2014

TITLE: Ordinance – Amending Sections 47-19.2.BB, *Swimming Pools, Hot Tubs and Spas* and 47-23.8, *Waterway Use*.

Recommendation

It is recommended the City Commission introduce an ordinance on first reading to amend Section 47-19.2.BB, *Swimming pools, hot tubs and spas*, of the City's Unified Land Development Regulations (ULDR) to make the yard requirements consistent for swimming pools, hot tubs and spas as an accessory use for all types of development; and to amend Section 47-23.8, *Waterway Use*, to allow swimming pools, hot tubs, spas and decks to be located within the required twenty (20) foot landscape yard when development is located adjacent to a navigable waterway.

Background

At the February 19, 2014 Planning and Zoning Board (PZB) meeting, the Board requested staff to develop a draft amendment that would address typical requests for pools located within the required 20-foot landscape yard when adjacent to a waterway.

As a result of this request staff has analyzed the locations of various pools and associated accessory structures in relation to the current code requirements and have determined that due to the fact these types of structures are generally located at or below grade of the principle structure there are no additional concerns from a visual perspective and the waterway views will be preserved. In terms of the location from the perspective of noise the difference in the stated distance of 20-feet vs. 5-feet (a difference of 15-feet between the requirements) does not represent a substantial separation that would positively or negatively impact sound from the use of the pools, hot tubs, spas or decks.

Staff believes this amendment to the ULDR will streamline the multiple requests that are presented to the PZB for encroachment into the 20-foot yard requirement by developers for these structures and, as reflected in the February 19, 2014 PZB minutes, since "the approval for a yard setback for a pool or deck seemed to be routine" the approval of such

requests “could be left to Staff’s discretion”. For more information on the PZB recommendation please see the February 19, 2014 PZB minutes attached as **Exhibit 1**.

On March 19, 2014 the PZB, acting as the Local Planning Agency (LPA), conducted a review of the proposed amendments and, upon finding they are consistent with the adopted comprehensive plan, unanimously recommended approval of the proposed amendments (case T14002). The PZB staff report and March 19, 2014 PZB minutes are attached as **Exhibit 2** and **Exhibit 3** respectively.

Section 47-19.2.BB, Swimming pools, hot tubs and spas:

Staff proposes the following amendment to section 47-19.2.BB, *Swimming pools, hot tubs and spas* to clarify the yard requirements for these structures and to maintain consistency between all uses:

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 (2½) 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.~~
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.
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.~~
34. ~~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.

Section 47-23.8, Waterway Use:

The following proposed revision addresses the request made by the PZB as outlined above:

Sub-section 47-23.8.B

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-foot yard shall not apply to ~~marinas or yacht club~~ marinas, yacht clubs, swimming pools, hot tubs, spas, or decks.

For a detailed analysis of the proposed amendments please see the PZB staff report attached as **Exhibit 2**.

To review the draft ordinance, please see **Exhibit 4**.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item corresponds to *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing:

- **Goal 6:** Be an inclusive community made up of district, complementary, and diverse neighborhoods.
- **Objective 3:** Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development
- **Initiative 1:** Examine land-use patterns and neighborhood development trends to recommend changes to the Unified Land Development Regulations (ULDR) for optimal neighborhood growth, including parking, landscaping, setbacks, change of use and reuse, etc.

Attachments:

Exhibit 1 – February 19, 2014 PZB Minutes

Exhibit 2 – PZB Staff Report

Exhibit 3 – March 19, 2014 PZB Minutes

Exhibit 4 – DRAFT Ordinance

Prepared by: Anthony Greg Fajardo, Zoning Administrator
Department Director: Greg Brewton, Department of Sustainable Development
Jenni Morejon, Director Designee