

**REQUEST:** Amendment to the City’s Unified Land Development Regulations (ULDR);

Proposed revision to Section 47-19.2.BB, *Swimming Pools, Hot Tubs and Spas* and Section 47-23.8, *Waterway Use* to clarify yard setback regulations as they relate to swimming pools, hot tubs and spas for hotel and multifamily dwellings as well as permitting swimming pools, hot tubs, spas and decks within the twenty (20) foot landscape yard when the development site is adjacent to a waterway.

<b>Case Number</b>	T14002
<b>Applicant</b>	City of Fort Lauderdale
<b>General Location</b>	City-wide
<b>Applicable ULDR Sections</b>	47-19.2.BB Swimming pools, hot tubs and spas 47-23.8. Waterway Use
<b>Notification Requirements</b>	Newspaper ad 10 days prior to meeting
<b>Action Required</b>	Recommend approval or denial of the proposal to the City Commission
<b>Project Planner</b>	Anthony Greg Fajardo, Zoning Administrator

**PROJECT DESCRIPTION / 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.

This proposed amendment to the City’s Unified Land Development Regulations (ULDR) will clarify the yard requirements for swimming pools, hot tubs and spas when associated with hotel and multifamily developments as well as permit swimming pools, hot tubs, spas and decks within the twenty (20) foot landscape yard when the development site is located adjacent to a waterway.

The following outlines the proposed amendments:

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

Sub-section 47-19.2.BB.2 of the ULDR states the following:

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.

Staff believes this language should remain consistent with the stated language for single-family homes, which states:

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 in the required front, rear and side yard no closer than five (5) feet from any property line. 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

This amendment will allow accessory swimming pools, hot tubs and spas to be developed in a consistent manner between single-family homes (single-family, duplex, Cluster, townhouse), hotels and multifamily developments. The existing language is difficult to administer consistently when considered with the other requirements of the ULDR, such as the requirements and definitions for structures and how yards are measured.

To address this and to clarify the inconsistencies staff is proposing the following amendment:

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.~~
- ~~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.

For more information please see the proposed amendments to Section 47-19.2.BB attached as **Exhibit 1**.

#### Section 47-23.8, Waterway Use

Currently, swimming pools, hot tubs, spas and pool decks that do not meet the standard requirements of Section 41-23.8, Waterway Use, of the ULDR may be presented to the Planning and Zoning Board (PZB) as a site plan level III review and approval when located adjacent to a navigable waterway. As stated above, under the good of the city the PZB recommended a streamlined process for these types of modifications.

Currently, section 47-23.8 exempts marinas and yacht clubs from the 20-foot landscape yard requirement. The proposed revised language will add swimming pools, hot tubs, spas and decks as an exemption from the 20-foot yard requirement in addition to marinas and yacht clubs.

The proposed amendment reads as follows:

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.

This revision will allow these accessory uses to be placed within the typical setbacks for the zoning district in which they are located without the need for PZB approval.

This amendment does not preclude the requirement for PZB approval for a use on a waterway, but that would rather permit an exemption from this yard requirement for swimming pools, hot tubs, spas and decks in addition to marinas and yacht clubs.

For more information or to review the proposed amendments in their entirety please see **Exhibit 1** attached.

It should be noted that these amendments do not impact any other requirements or regulations for pools, hot tubs and spas.

**CONSISTENCY with COMPREHENSIVE PLAN:**

Staff has determined the proposed amendments described herein are consistent with the City's Comprehensive Plan. The specific Goals, Objectives and Policies are as follows:

ELEMENT: Future Land Use Element  
GOAL: Goal 1  
OBJECTIVE: Objective 1.19  
POLICY: Policy 1.19.4

This amendment generally furthers the above by continuing to evaluate and revise existing zoning to be consistent with existing density, scale and intensity as outlined in the City's Comprehensive Plan Goals, Objectives and Policies.

**PLANNING and ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed change is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

## EXHIBIT 1

### 47-19.2.BB

#### 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 (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.~~
- ~~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.~~
23. 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.)
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.
45. 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.
56. 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.
67. Hot tubs or spas may be covered by freestanding shade structures, as provided for in this section.

#### 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 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-foot yard shall not apply to ~~marinas or yacht club~~ marinas, 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.