



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

**#14-0426**

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

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

**DATE:** June 3, 2014

**TITLE:** Ordinance – Amending Sections 47-19.2.BB, *Swimming Pools, Hot Tubs  
and Spas* and 47-23.8, *Waterway Use* (deferred from May 6, 2014)

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**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 May 6, 2014 City Commission meeting the Commission voted to defer the item to the June 3, 2014 meeting to allow staff time to bring back examples of requests for yard modifications where pools were permitted within the 20-foot yard when adjacent to the waterway.

Staff has found that over the past several years every multi-family residential project along a waterway that has applied for a yard modification to allow a pool and any associated decks within the current 20-foot yard requirements has been approved by the Planning and Zoning Board (PZB). The following list includes recent projects:

- Aquavista - 55 Hendricks Isle
- Echo Las Olas - 20 Isle of Venice
- Galleria Landings - 1180 N Federal Hwy
- 1110 Seminole Drive - 1110 Seminole Drive
- Coral Harbor - 2760 NE 14<sup>th</sup> Street
- 14<sup>th</sup> Street Residences - 2770 NE 14<sup>th</sup> Street

It should be noted that the criteria for the yard modification only apply to multi-family and hotel developments located on a waterway and do not apply to single-family residential developments (which by definition includes standard single-family homes, duplex, townhome, and cluster developments) or any development within the Downtown RAC (with the exception of the RAC-PRO) or the central beach districts (PRD, ABA, SLA, IOA, NBRA and SBMHA). Based on this information, on February 19, 2014, the PZB requested staff develop a draft amendment that would allow these requests to be reviewed and approved administratively. Should the City Commission decide to not move forward with the proposed amendment staff has no objection.

The following is a summary of the previously proposed amendment:

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.

This amendment to the ULDR will streamline multiple requests that are presented to the PZB for encroachment into the 20-foot yard requirement 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.~~

- ~~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:

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- **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

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Prepared by: Anthony Greg Fajardo, Zoning Administrator

Department Director: Greg Brewton, Department of Sustainable Development  
Jenni Morejon, Director Designee