

**ORDINANCE 2009-35**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's land development regulations are current and consistent with the Town's planning and regulatory needs; and

**WHEREAS**, the Town Commission desires to remove the prohibition on swimming pools, hot tubs and spas being constructed within the front yard setback; and

**WHEREAS**, the Town Commission desires to allow fencing and enclosures within the front yard setback provided such structures do not encroach or impede upon the sight distance triangle; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on November 11, 2009, and recommended its approval; and

**WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

ORDINANCE 2009-35

30 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION  
31 OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

32 SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and  
33 confirmed as being true, correct and reflective of the legislative intent underlying this  
34 Ordinance and are hereby made a specific part of this Ordinance.

35  
36 SECTION 2. Chapter 30 "UNIFIED LAND DEVELOPMENT  
37 REGULATIONS," Article V "Zoning," Division 2 "Districts," Subdivision L  
38 "Supplemental Regulations," Section 30-313 "General provisions," is hereby amended as  
39 follows:

40 Sec. 30-313. General provisions.

41  
42 \* \* \* \* \*

43  
44 (29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required.  
45 ~~No swimming pool, hot tub or spa shall be constructed within a front yard setback.~~  
46 Swimming pools, hot tubs and spas shall have the following minimum setback  
47 regulations:

- 48  
49 a. All water bearing wall surfaces shall have a minimum five-foot setback from  
50 the ~~side and rear~~ property lines.  
51 b. All water bearing wall surfaces shall have a minimum ten-foot setback from  
52 any public right-of-way.  
53 c. Notwithstanding any other regulation of this Code, fencing to enclose a  
54 swimming pool, hot tub or spa is permitted in front setback, but shall not encroach  
55 upon the sight distance triangle created in section 30-124(a)(8) of the Code.  
56

57 All swimming pools shall be enclosed by an open mesh screen enclosure or a fence of  
58 wall a minimum of five feet in height of such design and material as will prevent  
59 unauthorized access to the pool area. All screen doors and fence gates shall be equipped  
60 with a self-locking mechanism.

61  
62 Swimming pools or spas on lots that directly abut a waterway or other water area shall  
63 not require enclosure along such waterway or water area.

64  
65 Screen enclosures, pool decks, patios, porches and terraces shall be permitted in any ~~the~~  
66 required ~~side yard or rear yard only~~ and shall not be located less than 2 1/2 feet from plot

**ORDINANCE 2009-35**

67 lines. In addition, the location of screen enclosures, pool decks, patios, porches and  
68 terraces will need to be located outside of any utility easement areas unless the property  
69 owner obtains consent from the applicable utility(s) to allow any of these structures in the  
70 easement area.

71  
72 \* \* \* \* \*

73  
74 **SECTION 3.** Severability.

75 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
76 unconditional by any court of competent jurisdiction, then said holding shall in no way  
77 affect the validity of the remaining portions of this Ordinance.

78 **SECTION 4.** Effective Date.

79 This Ordinance shall become effective immediately upon passage on second  
80 reading.

81 **SECTION 5.** Codification.

82 This Ordinance shall be codified.

83 **SECTION 6.** Adoption.

84  
85 Passed on the first reading, this \_\_\_ day of \_\_\_\_\_, 2009.

86 Passed on the second reading, this \_\_\_ day of \_\_\_\_\_, 2009.

87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97

\_\_\_\_\_  
Mayor Roseann Minnet

**ORDINANCE 2009-35**

	First Reading	Second Reading
98		
99	Mayor Minnet	_____
100	Vice-Mayor McIntee	_____
101	Commissioner Clottey	_____
102	Commissioner Silverstone	_____
103	Commissioner Dodd	_____
104		
105		
106	Attest:	
107	_____	
108	Town Clerk, June White	
109	(CORPORATE SEAL)	
110	Approved as to form:	
111	_____	
112	Town Attorney, Susan L. Trevarthen	