ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 31-546, "SWIMMING POOLS", IN ORDER TO CREATE STANDARDS FOR INSTALLATION AND USE OF SWIMMING POOLS IN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach's Comprehensive Plan and Code of Ordinances controls and directs development patterns and land use throughout the City; and

WHEREAS, Section 31-546 of the City's Code of Ordinances, which provides general requirements and setbacks for swimming pools, was last amended in 1982; and

WHEREAS, since 1982, advancements have occurred in both construction techniques and safety standards associated with swimming pools; and

WHEREAS, amendments to the City's swimming pool regulations are necessary in order to incorporate the aforementioned swimming pool industry advancements; and

WHEREAS, on June 23, 2016, the Planning and Zoning Board reviewed and unanimously recommend that the City Council approve proposed amendments to the City's swimming pool regulations; and

WHEREAS, the City Council desires to create new standards for the installation and use of swimming pools and has determined that the enactment of this Ordinance is appropriate and furthers the interests of the City, its residents and stakeholders.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

<u>**SECTION 1.**</u> The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

<u>**SECTION 2.**</u> That Chapter 31, "Zoning", Article VI, "Supplemental District Regulations", Section 31-546, "Swimming Pools", is amended as follows, with additions <u>underlined</u> and deletions shown in ~~strikethrough~~ format:

Sec. 31-546. – Swimming pools.

~~Swimming pools, as accessory uses, shall meet the following requirements:~~
~~*(1) Pool setbacks:*~~
   ~~a. The water line shall be a minimum of five feet from any building wall or post supporting a roof structure.~~
   ~~b. If not enclosed, water's edge shall be a minimum of seven feet from side or rear of property line.~~
   ~~c. If enclosed, water's edge shall be a minimum of ten feet from side or rear of property line.~~
~~*(2) Screen enclosure setbacks.*~~
   ~~a. Side setbacks shall be as specified in the district.~~
   ~~b. Enclosure shall be a minimum of seven feet from rear property line.~~

~~*(3) General requirements.*~~
   ~~a. All open swimming pools must be fenced by a minimum four-foot high fence.~~
   ~~b. There shall be a minimum three-foot deck surrounding the perimeter of the water's edge.~~

(a) This section applies to swimming pools in all districts, except where otherwise specified. Swimming pools, accessory to a primary site use, may be open, enclosed, or covered by a screen enclosure, and shall only occupy a required rear or side yard, providing that the following conditions are satisfied:

   (1) *Rear yard setback.* A minimum seven foot setback from the rear property line to swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or a screen enclosure associated with a swimming pool shall be provided, however, swimming pool decks may extend to the property line and be connected to a permitted dock and its related decking when abutting a body of water. There shall be a minimum seven foot setback from the rear property line to the water's edge of a swimming pool or to the waterline of the catch basin of an infinity edge pool. For oceanfront properties located east of North Ocean Drive, this setback shall be measured from the 1997 Coastal Construction Control Line.

   (2) *Side yard setback.* A minimum seven foot setback from the side property line to a swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or a screen enclosure associated with a swimming pool shall be provided. There shall be a seven foot minimum setback from side property line to the water's edge of a swimming pool or to the waterline of the catch basin of an infinity edge pool.

(3) *Corner properties within residential districts*. For corner lots a twelve and one-half foot setback from the front property line and from the side lot line facing the street to the swimming pool, deck, platform or screen enclosure shall be provided. For corner lots with radial corners, the front setback and the side setback facing the street shall be taken from the midpoint of the curve of the corner of the property.

(4) *Residential locations with two fronts, or through lots*. Lots with two fronts shall be permitted to place a pool and pool deck, with a minimum ten foot setback from the property line, at the functional rear of the house.

(5) *Walk space*. A walk space at least 20 inches wide shall be provided between walls, fences or screen enclosures and the water's edge of a swimming pool.

(6) *Safety barrier*. Every swimming pool shall be protected by a safety barrier, as required by the Florida Building Code, as amended from time to time.

(7) *Visual barrier*. Swimming pools, when visible from any public street or alley, shall be screened from public view by an opaque landscape hedge, wall or fence, not less than five feet in height. A hedge shall be planted and maintained so as to form a continuous dense row of greenery, with plants spaced not less than 24 inches on center, in three gallon containers or larger when planted.

(8) *Drainage*. If a patio or paved area is provided adjacent to or surrounding a pool, it shall be designed to drain away from the pool, but shall not drain onto adjacent properties. An exception to this rule may apply to perimeter flow pools.

(9) *Pool equipment*. Pool equipment shall not be permitted within a required setback.

(10) *Commercial swimming pools*. The minimum size of all commercial swimming pools shall be 450 square feet with a minimum width of 15 feet. A walkway, no less than four feet in width, is required around the swimming pool, exclusive of coping. Commercial swimming pools shall satisfy all applicable Florida Building Code requirements, as amended from time to time, and also any applicable requirements provided by a governmental agency having jurisdiction.

SECTION 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 4. Specific authority is hereby granted to codify this Ordinance as it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 5. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall take effect immediately upon its final approval and adoption.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

PASSED AND APPROVED on the first reading this _____ day of _____, _____.

PASSED AND ADOPTED on second and final reading this _____day of _____, _____.

APPROVED:

_____
THOMAS A. MASTERS
MAYOR

ATTEST:

_____
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

_____
TERENCE D. DAVIS
CHAIRPERSON

_____
KᴀSHAMBA L. MILLER-ANDERSON
CHAIR PRO TEM

_____
LYNNE L. HUBBARD
COUNCILPERSON

_____
TONYA DAVIS JOHNSON
COUNCILPERSON

_____
DAWN S. PARDO
COUNCILPERSON

1ST READING		2ND & FINAL READING	
MOTIONED BY:	_____	**MOTIONED BY:**	_____
SECONDED BY:	_____	**SECONDED BY:**	_____
L. HUBBARD	_____	**L. HUBBARD**	_____
K. MILLER-ANDERSON	_____	**K. MILLER-ANDERSON**	_____
T. DAVIS JOHNSON	_____	**T. DAVIS JOHNSON**	_____
D. PARDO	_____	**D. PARDO**	_____
T. DAVIS	_____	**T. DAVIS**	_____

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA H. RYAN, B.C.S.
CITY ATTORNEY

DATE: _____