

ORDINANCE 17-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, AMENDING SECTION 10-174 (k) OF THE CITY CODE PERTAINING TO SETBACKS AND HEIGHT REQUIREMENTS FOR SWIMMING POOL ENCLOSURES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belleair Beach, Florida, is empowered to establish and enforce building regulations of the city as are necessary to protect the health, safety and welfare of the public; and,

WHEREAS, the City Council has determined that the city code provisions pertaining to the construction of residential swimming pool screened enclosures is in need of remedial change or amendment,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, as follows:

Section 1. Section 10-174 of the Belleair Beach City Code entitled, *Setbacks; Height; Width* is amended to read as follows:

Sec. 10-174 Setbacks; height; width

- (a) A swimming pool shall not be constructed or located in front of or forward of the principal structure on any parcel.
- (b) The minimum side setback for all swimming pools shall be seven feet on each side property line.
- (c) The minimum rear setback for a swimming pool shall be seven feet, on non-waterfront property.

- (d) The distance from the house or other structural supports (e.g. columns, stairs, etc) to the inside swimming pool wall shall not be less than five feet, excluding a designed swim-out seat on non-waterfront property.
- (e) The engineering principle known as the *angle of repose* shall not be permitted to justify any variation or reduction of a designated set back. The prohibition against the justification of the *angle of repose* shall apply to both waterfront and non-waterfront property.
- (f) All setbacks shall be measured from the inside of the swimming pool wall.
- (g) The height of a swimming pool shall be no higher than 18” above the crown of the road. Any structural part of any permanently installed in-ground swimming pool or spa shall not be built higher than 24 inches above the pool deck including raised spas, raised pool beams, upper level decks, and raised waterfalls. Auxiliary deck-mounted equipment such as handrails, ladders, grabrails, diving boards and slides shall not be subject to the height limitations set forth in this section.
- (h) Above-ground pools shall not exceed four feet in height from the lot grade level of the property, including decks and/or railings.
- (i) Waterfront setbacks shall be as follows:
 - (1) Gulf frontage setback for swimming pools shall be a minimum of 18 feet from the rear property line or coastal construction control line, as defined in section 10-3 of this code whichever is more easterly and as otherwise required by state law.
 - (2) Other waterfront setbacks for swimming pools shall be a minimum of 12 feet measured from the center of the seawall cap to the inside of the pool wall, so as not to interfere with the seawall anchors (i.e. deadmen).

- (3) Swimming pools may be located closer than 12 feet from the seawall, so long as a minimum setback of eight feet is maintained from the center of the seawall cap to the inside of the pool wall, and; provided that, prior to the issuance of a construction permit, a signed and sealed certification from a Florida registered engineer is submitted with the permit application showing that the reduced setback will not affect the integrity or function of the seawall, or that approved seawall reinforcement, if needed, will be installed and completed in a minimum of thirty days prior the time of the swimming pool construction. Swimming pool decking and retaining walls shall not included in the computation of set backs.
- (4) Waterfront setbacks for swimming pools shall be measured from the center of the seawall cap to the inside of the pool wall.
- (5) The distance from the house or other structural supports (e.g. columns, stairs, etc) to the inside swimming pool wall shall not be less than five feet, excluding a designed swim-out seat.
- (6) One swim-out is allowed in each swimming pool, which shall be no greater than twenty-two inches deep measured from the highest point of the pool.
- (j) Setbacks from screened enclosures around a swimming pool shall be the same as for the swimming pool, except that no screen enclosure shall be built within the setback on waterfront lots.
- (k) The wall height of a screened enclosure of a swimming pool shall be limited to a ~~maximum of eight feet~~ the current height of the house fascia measured from the deck within the setback area. The maximum height of the screen enclosure roof ~~shall be 12 feet above the swimming pool deck.~~ shall not be more than four feet higher than the wall

height of the screen enclosure. In no event shall the maximum screen roof height exceed the height of the peak of the roof on the house.

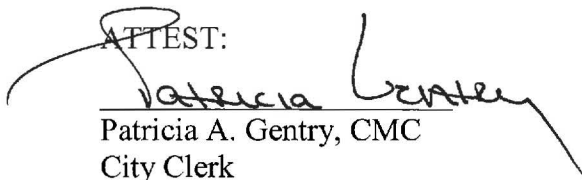
- (l) Swimming pool equipment, including pumps, heaters and other machinery may encroach within the required setback limits, but not to exceed four feet. Provisions shall be made to reduce the noise generated to a reasonable level by means of unit selections or baffling. A reasonable level of noise shall be less than 60 dB(A) ambient noise level from the nearest bedroom window of the adjacent property structure. All equipment installations shall be concealed from the public.

Section 2. Severability. It is declared to be the intent of the City Council of the City of Belleair Beach, Florida, that if any section, subsection, sentence, clause or provision of this ordinance is held invalid, or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision and shall not be affected by such holding.

Section 3. Effective Date. This Ordinance shall take effect upon adoption by the City Council.

The above and foregoing Ordinance was read by title only and passed by a majority vote upon its first reading at a Regular Meeting of the City Council of the City of Belleair Beach, Florida, held on the 7th day of August, 2017.


ATTEST:


Patricia A. Gentry, CMC
City Clerk


Leslie Ford Notaro, Mayor

The above and foregoing Ordinance was read by title only and was passed by majority vote upon its second and final reading at the Regular Meeting of the City Council of the City of Belleair Beach, Florida, held on the 6th day of September, 2017.

ATTEST:



Patricia A. Gentry, CMC
City Clerk



Leslie Ford Notaro, Mayor

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