

**ORDINANCE NO. 2021-15**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE TO ADD SPAS TO POOL REGULATIONS, REQUIRE THE PARTIAL VACATION OF EASEMENTS FOR POOLS, ALLOW AIR CONDITIONERS IN SECONDARY FRONT YARDS, PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend land development code regulations that are consistent with and implement its adopted Comprehensive Plan; and

**WHEREAS**, the City of Safety Harbor has previously adopted a land development code; and

**WHEREAS**, periodic updates and clarifications are necessary for successful implementation of a land development code.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

**SECTION 1.** The above recitals are true, correct, and incorporated by reference as the findings of the City.

**SECTION 2.** Article III, Section 36.02 (C) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

(C) Swimming pools and spas and screened cages for swimming pools may occupy a required rear or side yard, provided that no part, including pool decking and other customary accessory structures associated with swimming pools, is located closer than five (5) feet to a lot line. Pools, screened cages and decks may not be placed within an easement, unless documentation is provided with the permit application demonstrating that there are no utilities or storm sewers within the easement, ~~and~~ the improvements do not impede or restrict drainage flow, and that a partial easement vacation was approved on the property.

**SECTION 3.** Article III, Section 38.00(A) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

**38.00 - Yard encroachments.**

(A) Every part of every required yard shall be open and unobstructed from 30 inches above the final grade of a lot upward, except as provided for by the following:

...

(6) Air conditioning units and other similar accessory equipment may be located in any required side, ~~or rear~~, or secondary front yard subject to Section 36.05;

**SECTION 4.** This Ordinance shall be codified and made part of the Safety Harbor Comprehensive Zoning and Land Development Code, and all sections shall be alphabetized and/or renumbered to accomplish such codification.

**SECTION 5.** Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 6.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING JUNE 7, 2021.

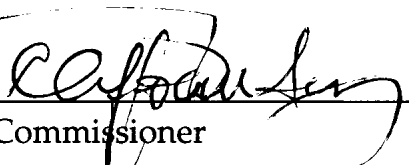
PASSED ON SECOND AND FINAL READING JULY 19, 2021.

  
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Mayor - Commissioner

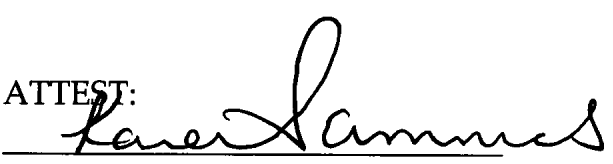
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Nikki C. Day, City Attorney

  
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Vice Mayor - Commissioner

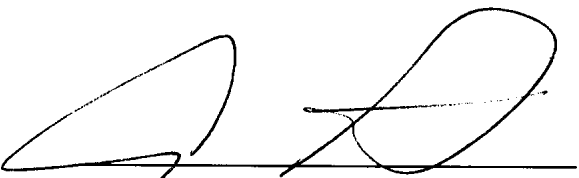
  
\_\_\_\_\_  
Commissioner

ATTEST:



Karen Sammons, CMC, City Clerk

Absent  
Commissioner



Commissioner