

ORDINANCE NO. 2022-39

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, SUBSECTIONS (Z) POOLS, AND (CC) SCREEN PORCHES/ENCLOSURES, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE REQUIRED REAR YARD SETBACK FOR SCREEN ENCLOSURES FROM TEN FEET TO FIVE FEET, AND BY AMENDING THE REQUIRED SIDE YARD SETBACK FOR SCREEN ENCLOSURES FROM SEVEN AND ONE-HALF FEET TO FIVE FEET; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is a request to amend Chapter 2, District and General Regulations, Article III, General Regulations, Section 2-50, Accessory uses, subsections (z) Pools, and (cc) Screen porches/enclosures, of the City of Ormond Beach *Land Development Code*, to amend the required rear yard setback for screen enclosures from ten feet (10') to five feet (5'), and to amend the required side yard setback for screen enclosures from seven and one-half feet (7½') to five feet (5').

WHEREAS, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on October 13, 2022, on the requested amendments and has made recommendations thereon to the City Commission, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the amendments to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Subsection (z) Pools, of Section 2-50, Accessory uses, of Article III, General Regulations, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, is hereby amended as follows:

- (z) *Pools*. In addition to the requirements of this article, swimming pools, whether public or private, shall comply with chapter 3, articles I and II of this Land Development Code, the state building code, all applicable regulations of the state department of health and other state agencies, and to the following:
- (1) *Setbacks*. No pool or screen enclosure shall be permitted to encroach into any platted easement.
- a. *Front yard*. Swimming pools or appurtenances thereto shall be prohibited in any required principal front yard building setback.
- b. *Side corner yard*. Swimming pools or appurtenances thereto shall be prohibited in any required side yard building setback.
- c. *Rear yard*.
1. No screen enclosure. The edge of water for swimming pools with no screen enclosure shall not be closer than seven and one-half feet (7½') from the rear property line. The edge of deck for swimming pools with no screen enclosure shall not be closer than five feet (5') from rear property line.
2. Screen enclosure. Screen enclosures for pools shall not be closer than ~~ten five feet (10')~~ (5') from the rear property line. ~~Screen pool enclosures shall be located no closer than five feet (5') from the rear property line of a single family residence in situations where the rear yard abuts a dedicated open space in private ownership, a conservation easement held in private ownership or common area~~

~~owned by a homeowners' association measuring a distance of at least ten feet (10') from the closest point to the rear property line.~~

d. *Interior side yard.*

1. The edge of water for swimming pools with no screen enclosure shall not be closer than seven and one-half feet (7½') from the required interior side yard property line. The edge of deck for swimming pools with no screen enclosure shall not be closer than five feet (5') from the required interior side yard property line.
2. Screen pool enclosures shall be located no closer than ~~seven and one-half feet (7½')~~ five feet (5') from the required interior side yard property line.

(2) – (4) ***No change to existing text***.

SECTION TWO. Subsection (cc) Screen porches/enclosures, of Section 2-50, Accessory uses, of Article III, General Regulations, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, is hereby amended as follows:

(cc) *Screen porches/enclosures.*

~~(1) *Location.* In all residential districts, screen enclosures (e.g., entirely enclosed with screening) may be located to within ten feet (10') of the rear lot line; provided, however, side yard setbacks for screen enclosures shall be the same as for the principal building and provided further that no screen enclosure shall be permitted to encroach into any easement, dedicated space or right of way, or into any required waterfront or oceanfront yard or other shoreline setback provided under chapter 3, article II of this Land Development Code. Screen pool enclosures shall be located no closer than five feet (5') from the rear property line of a single family residence in situations where the rear yard abuts a dedicated open space in private ownership, a conservation easement held in private ownership or common area owned by a homeowners' association measuring a distance of a least ten feet (10') from the closest point to the rear property line.~~

(1) Location, all residential districts. No screen enclosure shall be permitted to encroach into any platted easement. Screen enclosures (e.g., entirely enclosed with screening) shall be located as follows:

- a. Front yard. Screen enclosures shall be prohibited in any required principal front yard building setback.
- b. Side corner yard. Screen enclosures shall be prohibited in any required principal side corner building setback.
- c. Rear yard. Screen enclosures shall not be closer than five feet (5') from the rear property line.
- d. Side yard. Screen enclosures shall be located no closer than five feet (5') from the required interior side yard property line.

(2) – (4) ***No change to existing text***.

SECTION THREE. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FOUR. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FIVE. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 6th day of December, 2022.

PASSED UPON at the second and final reading of the City Commission, this 10th
day of January, 2023.

BILL PARTINGTON
Mayor

ATTEST:

SUSAN CARROLL DAUDERIS
City Clerk