

ORDINANCE NO. 2023-483

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA AMENDING ARTICLE III, CHAPTER 101 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATED TO REDUCTION OF SETBACKS FOR RESIDENTIAL POOLS; SPECIFICALLY AMENDING SECTIONS 101-13 AND 101-26 OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE SETBACKS FOR POOLS WITHIN THE R-2B ZONING DISTRICT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 166, Florida Statutes, grants the City broad municipal home rule powers to enact ordinances which represent official legislative action of the City Commission and are enforceable as a matter of law; and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the “City Commission”) has determined the need to amend the Land Development Regulations to reduce required side setbacks for pools; and

WHEREAS, the City Commission desires to specifically -amend Article III, Sections 101-13 and 101-26 of the City’s Land Development Regulations in order to reduce the required setbacks for pools within the R-2B zoning district; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

This Ordinance shall become effective upon final approval by the City Commission.

Section 3: Amending Section 101-13 and 101-26 of the Land Development Regulations

Sections 101-13 and 101-26 of Article III, "District Regulations" of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

Sec. 101-13. - R-2B Two dwelling unit residence district.

(1) Intent. This district is intended to accommodate one unit detached and two-unit dwellings. It conforms with the two-family residential category of the comprehensive plan.

(5) Setbacks (see also section 101-26).

Front yard minimum of 20 feet, except 5 feet on Clara Boulevard and Coral Lane.

Side yard minimum of 5 feet on each side, except on corner lots or on combined lots. In the case of attached two-unit dwellings, one side setback shall be required for each dwelling. A minimum side-yard setback of 5 feet shall be allowed for pools in accordance with section 101-26.

Rear yard minimum of 15 feet, except 5 feet on Clara Boulevard and Coral Lane.

Corner lot minimum side yard of 15 feet on the street frontage and rear yard of 5 feet.

For combined lots, the side yard minimum shall be 10 per cent of total width.

(6) Floor area. Minimum habitable building area of 450 square feet per dwelling unit.

(7) Pervious area. Minimum of 15 per cent.

(8) Height. Maximum of 1 story, but in no case more than 20 feet.

(9) Special regulations. See sections governing parking, landscaping, and signs.

Sec. 101-26. - Accessory structures and uses.

(11) *Swimming pools, spas, hot tubs.*

(a) Setbacks:

10 feet from side and rear lot lines and (MHW) on canals and 10 feet from sides and rear lot lines on dry lots; except that a minimum side-yard setback of 5 feet shall be allowed for pools.

25 feet from front lot line in all districts;

15 feet from side lot line in R-3 and RH districts;

100 feet from Ocean (MHW);

20 feet from MHW on Vaca Cut.

(b) [Pools, spas, and hot tubs:] Above grade pools are not permitted in any district. Prefabricated portable wading pools not over 18 inches in height above grade are permitted.

Portable, plug in type spas or hot tubs no larger than 8'0" × 8'0" × 3'0" in height above grade are permitted when in compliance with the following:

1. Setbacks must comply with section 101-26(11)(a).
2. All controls, water heating and water circulating equipment are an integral part of the product and must be cord-connected to GFI outlet (no hard or permanent plumbing or electrical connections are permitted).
3. Must comply with SBCCI Standard Swimming Pool Code 1999 Edition (in particular Section 315, Protective Enclosure).
4. Must comply with City Code Chapter 6, section 6-2.3 which states that structures are designed to be securely anchored so as to withstand hurricane force wind and wave pressure.
5. A building permit must be approved and obtained prior to any installation.

(c) Drainage: Pool drainage shall not be piped to the city sewer system. See article VII. Pools cannot drain onto adjoining property or rights-of-way.

(d) Pool enclosures: Insect screening or other enclosures shall be permitted when the pool and its enclosure are not located within the required setback.

Section 4: Severability and Conflict

If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Inclusion in the Code of Ordinances and Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances and Land Development Regulations of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

Section 6: Effective Date

This Ordinance shall become effective upon its final adoption by the City of Key Colony Beach Commission.

-/Remainder of Page Left Intentionally Blank/-

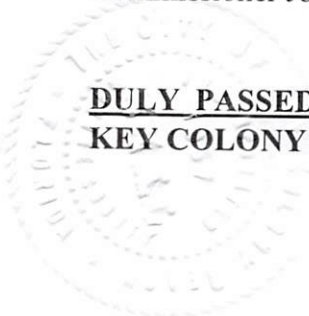
FIRST READING by the City of Key Colony Beach City Commission this 16th day of March 2023.

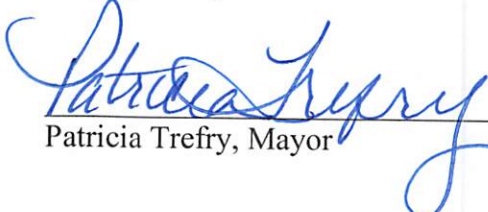
Mayor Patricia Trefry	NO _____ YES <u> X </u>
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES <u> X </u>
Commissioner Freddie Foster	NO _____ YES <u> X </u>
Commissioner Tom Harding	NO _____ YES <u> X </u>
Commissioner Joey Raspe	NO _____ YES <u> X </u>

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 20th day of April 2023.

Mayor Patricia Trefry	NO _____ YES <u> X </u>
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES <u> X </u>
Commissioner Freddie Foster	NO _____ YES <u> X </u>
Commissioner Tom Harding	NO _____ YES <u> X </u>
Commissioner Joey Raspe	NO _____ YES <u> X </u>

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 20th day of April 2023.




Patricia Trefry, Mayor


Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:


Dirk M. Smits, Esq. B.C.S., City Attorney