

ORDINANCE 15-20

AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA CLARIFYING AND AMENDING ITS REGULATIONS FOR RECREATIONAL WATER FEATURES AMENDING ARTICLE VI, SECTION 6.8.U, BY MODIFYING SUBSECTION 6.8 U.1.b.(1) PROHIBITING THE LOCATION OF RECREATIONAL WATER FEATURES BETWEEN ANY PORTION OF THE FACE OF A BUILDING AND A FRONT LOT LINE; PROVIDING EXCEPTIONS WITH CONDITIONS TO THIS PROHIBITION FOR FREE-STANDING WATERFALLS, GROTTO, AND FOUNTAINS; PROVIDING FOR TERMINATION OF THE MORATORIUM IMPOSED BY ORDINANCE 15-14; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission foresees that the continued allowance of recreational water features and ancillary structures thereto, in the spaces in front of residential dwellings is likely to increase and that the location of such recreational water features in these front spaces may result in overdevelopment, or the appearance of overdevelopment, of individual lots and

**WHEREAS**, the City Commission foresees that the continued allowance of recreational water features and ancillary structures thereto, in the spaces in front of residential dwellings is likely to increase and that the location of such recreational water features in these front spaces results in activity and situations not conducive to the continued tranquility desired in the City's residential neighborhoods, and

**WHEREAS**, the City Commission foresees that the continued allowance of recreational water features and ancillary structures thereto, in the spaces in front of residential dwellings is likely to increase and that the location of such recreational water features in these front spaces will contribute to changing the character of the City, particularly in its residential areas.

**NOW THEREFORE**, be it ordained by the City Commission of the City of Holmes Beach, the following:

**Section 1. Findings of Fact.** The above referenced "whereas" clauses are adopted herein as findings of fact.

**Section 2. Article VI, Zoning, Section 6.8.U, Recreational water features,** shall be amended by modifying subsections 6.8.U.1.b to read as follows:

U. Recreational water features.

b. Except for in-ground pools located in waterfront yards with seawalls, recreational water features and associated decks and ancillary structures, are subject to the following limitations and requirements:

(1) No recreational water feature, deck or other structure ancillary to a recreational water feature may be located in any required yard.

(2) No recreational water feature, deck or other structure ancillary to a recreational water feature may be located in the space, extending the full width of the lot, between any building and a lot line fronting on a street (i.e., front lot line) and measured perpendicular to the building; and also including any area between any portion of the face of a building and a front lot line, except that a free-standing waterfall, grotto or fountain may be located within the above described area provided the free standing waterfall, grotto or fountain meets the following conditions:

(a) it does not meet the definition of a recreational water feature and,

(b) it is not ancillary to a recreational water feature.

**Section 3. Termination of Moratorium.** Ordinance 15-14 shall terminate 30 days after the adoption of this Ordinance.

**Section 4. Severability.** In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, or application thereof, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein.

**Section 5. Effective Date.** This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida,  
in regular session assembled this 12<sup>th</sup> day of January, 2016.


First Reading: 12-8-15

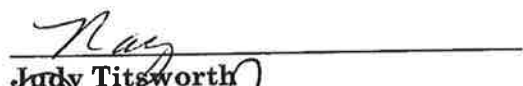
Publication Date 12-24-15


Second Reading and Public Hearing Date 1-12-16

  
Patrick Morton

  
Carol Soustek

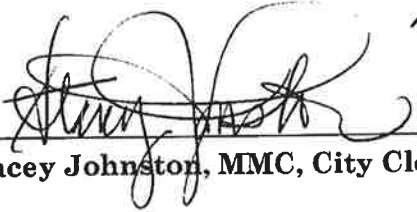
  
Marvin Grossman

  
Judy Titsworth

  
Jean Peelen

APPROVED BY ME THIS 13<sup>th</sup> DAY OF January, 2016

  
Bob Johnson, Mayor

ATTEST:   
Stacey Johnston, MMC, City Clerk