



# AGENDA ITEM SUMMARY

**MEETING DATE:** December 5, 2016

**AGENDA ITEM NO.:** 11

**FOR:**

City of Weston     Indian Trace Development District     Bonaventure Development District

**TITLE:**

An Ordinance of the City of Weston, Florida, amending Section 124.34, "Swimming Pools," to revise the swimming pool barrier requirements; and providing for an effective date.

*Second and Final Reading  
Deferred from November 21, 2016 Meeting*

**SUMMARY EXPLANATION & BACKGROUND:**

The City Commission desires to amend the City Code to revise the swimming pool barrier requirements.

**REQUESTED ACTION:**

Approval.

**EXHIBITS (LIST):** Ordinance

**PREPARED BY:**

Jamie Alan Cole, City Attorney

**PETITIONER/REPRESENTATIVE:**

Not Applicable

**RECOMMENDED FOR CONSIDERATION BY:**

John R. Flint, City Manager  
Jamie Alan Cole, City Attorney

**FUNDING SOURCE:**

Not Applicable

**VOTING REQUIRED FOR PASSAGE:**

Majority     Majority Plus One     Unanimous

**COMMISSION ACTION:**

	M	2	Y	N		
					Approved as presented	
					Approved as amended	
Commissioner Brown					Approved with conditions	
Commissioner Feuer					Continued to	
Commissioner Kallman					Deferred to	
Mayor Stermer					To deny	

*Notes:*

CITY OF WESTON, FLORIDA  
ORDINANCE NO. 2016-\_\_\_\_

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, AMENDING SECTION 124.34, "SWIMMING POOLS," TO REVISE THE SWIMMING POOL BARRIER REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the City Commission desires to amend the City Code to revise the swimming pool barrier requirements; and

WHEREAS, Second, the City Commission, in its capacity as the Local Planning Agency, has reviewed the Ordinance and recommends approval; and

WHEREAS, Third, the City Commission finds that this legislation is in the best interest of the City of Weston.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

**Section 1. Recitals.** The foregoing Whereas clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

**Section 2. Recommendation of Approval by the Local Planning Agency.**

The City Commission, in its capacity as the Local Planning Agency, has reviewed the proposed Ordinance and recommends approval.

**Section 3. Amendment to Chapter 124.**

Chapter 124, "Zoning," of the Code of Ordinances of the City of Weston, is amended to read as follows:

**§ 124.34 SWIMMING POOLS.**

124.34(A) ~~All swimming pools shall be completely enclosed by either an open mesh screen enclosure or a fence or wall a minimum five feet in height with such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates shall be equipped with self closing and self locking mechanisms. All mesh safety barriers shall not be required to be equipped with self closing and self locking mechanisms.~~

All swimming pools shall comply with the barrier requirements as provided for in the Florida Building Code with the exception that the top of the barrier, if used as a component of a perimeter yard area fence, shall be at least 60 inches above grade. All barriers, including perimeter yard area fences, shall be located on the property that the swimming pool is located on, and may not connect to a barrier or fence on an abutting property.

\* \* \*

Coding: underlined words are additions to existing text, ~~struck-through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 **Section 4. Codification.**

2  
3 It is the intention of the City Commission that the provisions of this Ordinance become and  
4 be made part of the City Code, and that the Sections of this Ordinance and Code may be  
5 renumbered or relettered and the word "ordinance" may be changed to "section" or such other  
6 appropriate word or phrase to accomplish such intentions.  
7

8 **Section 5. Severability.**

9  
10 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be  
11 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the  
12 validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be  
13 invalid.  
14

15 **Section 6. Conflict.**

16  
17 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of  
18 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this ordinance are repealed  
19 to the extent of such conflict.  
20

21 **Section 7. Effective Date.**

22  
23 This Ordinance shall become effective upon passage and adoption.

24  
25 PASSED ON FIRST READING October 17, 2016.

26  
27 PASSED AND ADOPTED ON SECOND READING \_\_\_\_\_.

28  
29 CITY COMMISSION  
30 CITY OF WESTON, FLORIDA

31  
32  
33 By \_\_\_\_\_  
34 Daniel J. Stermer, Mayor

35  
36 ATTEST:

37  
38 \_\_\_\_\_  
39 Patricia A. Bates, City Clerk

40  
41 Approved as to form and legality  
42 for the use of and reliance by the  
43 City of Weston only:

44  
45 Roll Call:  
46 Commissioner Brown \_\_\_\_\_  
Commissioner Feuer \_\_\_\_\_  
Commissioner Kallman \_\_\_\_\_  
Mayor Stermer \_\_\_\_\_

47  
48 \_\_\_\_\_  
49 Jamie Alan Cole, City Attorney

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