

RESOLUTION NO. 07-584 Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS AND DENYING VARIANCES SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE 1) DIVISION 5.13.A.4 TO PERMIT A PROPOSED POOL DECK SETBACK 3 FEET FROM THE REQUIRED REAR (WEST) PROPERTY LINE WHERE 5 FEET IS REQUIRED; 2) DIVISION 5.13.A.4 TO PERMIT A PROPOSED POOL DECK SETBACK 6 FEET FROM THE REQUIRED SIDE STREET (SOUTH) PROPERTY LINE WHERE 15 FEET IS REQUIRED; AND 3) DIVISION 4.2.E TO PERMIT A FENCE SETBACK 0 FEET FROM THE SIDE STREET (SOUTH) PROPERTY LINE WHERE 15 FEET IS REQUIRED FOR A SINGLE FAMILY RESIDENCE IN THE RU-1 ZONING DISTRICT (COLLECTIVELY REFERRED TO AS THE "VARIANCE"), FOR PROPERTY LOCATED AT 16202 NW 82ND COURT, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL WITH CONDITIONS AND DENIAL; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.5 of the Town of Miami Lakes Land Development Code (the "Town LDC"), Andres Castillo and Xiomara Castillo (the "Applicant") has applied to the Town of Miami Lakes (the "Town") for approval of several variances to waive requirements of 1) Division 5.13.A.4 to permit a proposed pool deck setback 3 feet from the required rear (west) property line where 5 feet is required; 2) Division 5.13.A.4 to permit a proposed pool deck setback 6 feet from the required side street (south) property line where 15 feet is required; and 3) Division 4.2.E to permit a fence setback 0 feet from the required side street (south) property line where 15 feet is required for a single family residence in the RU-1 zoning district (collectively referred to as the "Variance"), for property located at 16202 NW 82nd

Court, Miami Lakes, Florida, Folio #32-2015-012-0660 legally described as Lot 9, Block 24 of SIXTH ADDITION TO ROYAL OAKS according to the Plat thereof recorded in Plat Book 133 Page 31 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, Division 3.5 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a Variance; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice has been mailed to the appropriate property owners of record; the public hearing on the Variance has been noticed for October 16, 2007 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 33014; and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town Staff has reviewed the application and recommends denial of request #1 and approval of requests #2 and #3 of the Variance with conditions as set forth in the Staff Analysis and Recommendation (the “Staff Analysis”), attached as Exhibit “A,” and incorporated into this Resolution by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

1. In accordance with Division 3.5(f) of the Town LDC, the Town Council, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant does not meet all of the requirements of Division 3.5(f)(1)(a) thru (g) of the Town LDC, which are as follows:

- a. Variance Consistent with Authorized Powers. That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Town Council; and
 - b. Existence of Special Conditions or Circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; and
 - c. Conditions Not Created by Applicant. That the special conditions and circumstances do not result from the actions of the Applicant; and
 - d. Special Privileges Not Conferred. That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district; and
 - e. Hardship Conditions Exist. That literal interpretation of the provisions of this Land Development Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant. The purchase of property, which is an illegal nonconformity with this Land Development Code shall not be considered a hardship for granting of a variance, nor shall conditions peculiar to the property owner be considered; and
 - f. Only the Minimum Variance Granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
 - g. Not Injurious to Public Welfare or Intent of the Town LDC. That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and this Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
2. The Applicant does not meet all of the criteria in Division 3.5(f)(1)(a) thru (g) of the Town LDC, but the Town Council has determined that:
- a. Objections have not been filed by adjoining or directly affected property owners; and
 - b. Approval of parts of this Variance is justified by practical difficulty on the part of the Applicant.

Section 3. Approval/Denial.

The Variance for the:

- 1) proposed pool deck setback 3 feet from the required rear (west) property line is hereby denied; and
- 2) proposed pool deck setback 6 feet from the required interior side street (south) property line is hereby approved with conditions; and
- 3) fence setback 0 feet from the side street (south) property line and a minimum of 67 feet from the front property line is hereby approved with conditions.

Section 4. Conditions.

[If Town Council approves Variance in Section 3 with conditions, the following conditions, if any, in this Section shall apply.]

1. The site plan shall be submitted to and meet the approval of the Building Official, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy. The site plan shall include among other things, but not limited to, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping.
2. The approval of the fence and pool deck location shall be in accordance with the submitted "Sketch of Boundary Survey" and plans for 16202 NW 82nd Court, Miami Lakes FL., as prepared by Baez and Associates, Inc., Professional Land Surveyor, Registered Land Surveyor State of Florida, No. 5034, Job No. 0601-2006, and consisting of 1 sheet, and Site Plan by Fredy Tain, P.E. #61011.
3. The Applicant shall obtain a letter from all utility companies concerned approving the encroachment of the fence and pool deck into the utility easement.
4. The Applicant shall maintain and paint the fence to match the residence.
5. The Applicant shall record this Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk before a permit is issued.
6. The Applicant shall obtain a building permit within one year of the date of this approval for the fence and pool deck at the setbacks approved herein. If a building permit is not obtained or an extension granted within the prescribed time limit, then this approval shall become null and void.

Section 5. Appeal.

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDC, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

Section 7. Effective Date.

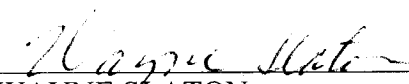
This Resolution shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Town LDC and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent jurisdiction.

The foregoing Resolution was approved by the application of the practical difficulty standard in Division 3.5(f) (2) of the Town LDC by MARY COLLINS and Seconded by ROBERT MEADOR, and upon being put to a vote the motion carried 7-0 with each Council Member voting as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Mary Collins	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

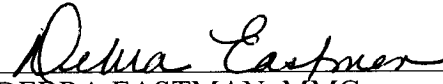
PASSED AND ADOPTED this 16 day of Oct. 2007.

This Resolution was filed in the Office of the Town Clerk on this 19 day of Oct., 2007.




WAYNE SLATON
MAYOR

ATTEST:



DEBRA EASTMAN, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:



WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
TOWN ATTORNEY



EXHIBIT A

TOWN OF MIAMI LAKES MEMORANDUM

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager

A handwritten signature in black ink, appearing to be 'AR' followed by a flourish.

Subject: Hearing # - ZH 07-31
Andres Castillo and Xiomara Castillo
16202 N.W. 82nd Court
Miami Lakes, FL 33016

Date: October 16, 2007

Request:

The applicants, Andres Castillo and Xiomara Castillo are requesting the following variances submitted in accordance with the Town of Miami Lakes Land Development Code ("Town Code") to permit a fence and pool deck within the required rear and side yard in connection with an existing single family residence:

1. A Variance pursuant to Division 3.5 of the Town Code from Division 5.13.A.1, of the Town Code for Single Family and Two Family Residences; Swimming Pools, Hot Tubs, Screen Enclosures and Pool Decks.

Variance Request:

To permit a proposed pool deck as per Division 5.13.A.4, set back three (3.00) feet from the RU-1 required rear (west) property line where five feet (5.00) is required.

2. A Variance pursuant to Division 3.5 of the Town Code from Division 5.13.A.1, of the Town Code for Single Family and Two Family Residences; Swimming Pools, Hot Tubs, Screen Enclosures and Pool Decks.

Variance Request:

To permit a proposed pool deck as per Division 5.13.A.4, set back six (6.00) feet from the RU-1 required side street (south) property line where fifteen (15.00) feet is required.

3. A Variance pursuant to Division 3.5 of the Town Code from Division 5.9.B.1.a., of the Town Code for Single Family and Two Family Residences; Location Restrictions: No fences, walls or gates shall be permitted within a required front yard or side yard facing a street.

Variance Request:

To permit a fence as per Division 4.2.E., setback zero feet (0') from the RU-1 Required Side Street (south) property line where fifteen feet (15') is required.

Note: The subject fence is proposed setback a minimum of 67' feet from the front property line in order to fence the rear pool deck area, the 0' setback for the side street fence is requested for a length of approximately 35' feet.

Applicable Code Section:

Request #1 & #2: Division 5.13 Swimming Pools, Hot Tubs, Screen Enclosures and Pool Decks

A. For Single Family and Two Family residences the following regulations shall apply:

1. Swimming Pools, Whirlpools, and Hot Tubs including above ground hot tubs may be located within a required side or rear yard with the following setbacks:
Rear – 7.5' / (5' for Zero Lot Line Developments)
Side – 7.5' / (5' for Zero Lot Line Developments)
Side Facing a Street – 15'
2. The setbacks for swimming pools shall be measured from the edge of the water; however, for above ground whirlpools, hot tubs or spas the setback shall be measured from the outer edge of the enclosure.
3. The edge of the water of swimming pools shall be no closer than eighteen (18) inches to any enclosure, walls and fences.
4. Swimming Pool Screen Enclosures and Swimming Pool Decks may be located within a required side or rear yard with the following setbacks:
Rear – 5' (3' for Zero Lot Line Developments)
Side – 5' (4' for Zero Lot Line Developments)
Side Facing a Street – 15'
(Attachment A: Division 5.13)

Request #3: Division 5.9 Fence, Walls and Gates

B. Single Family and Two Family Residences:

1. Location Restrictions:

- a. No fences, walls or gates shall be permitted within a required front yard or side yard facing a street. However, perimeter walls surrounding subdivisions which are approved through the site plan review process are permitted along sides facing a street or rear yards facing a street. (Attachment B: Division 4.2.E.)

Background: Folio No. 32-2015-012-0660

Zoning of Property: RU-1 – Single Family Residential

Future Land Use Designation:

The future land use designation In the Town's Comprehensive Plan for the Subject property: LD – Low Density Residential and the property is zoned (RU-1 – Single Family Residential)

Surrounding Property:

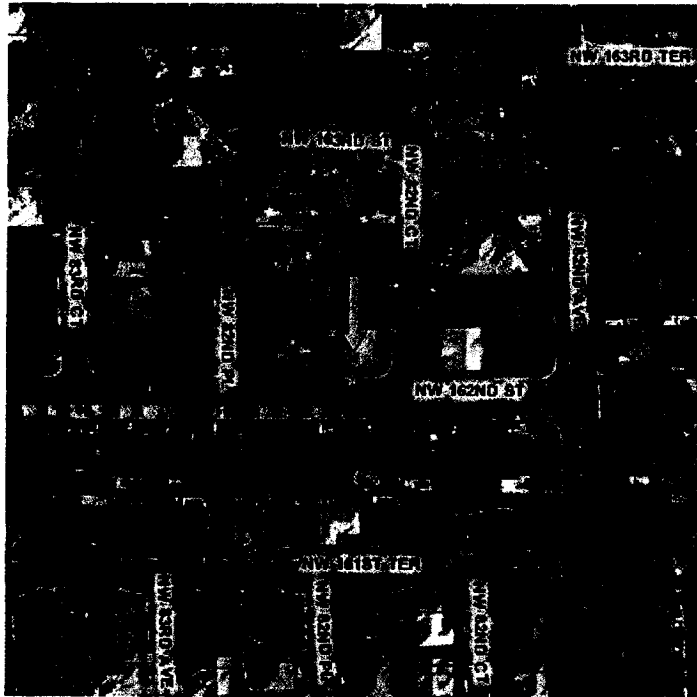
North: Low Density Residential; (RU-1)
East: Low Density Residential; (RU-1)
South: Low Density Residential; (RU-1)
West: Low Density Residential; (RU-1)

Low Density (LD) - The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero lot-line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Subject Property:

The subject property is a residential parcel and is located within a fully developed subdivision. The applicant's property is a one story, 4 bedroom, 2 bath residence located on the north side of N.W. 162nd Street. The residence as per County Tax Assessors records contains approximately 3,290 sq. ft and was constructed in 1992. A proposed fence and pool deck addition as shown on the enclosed plans would be situated along the southwest property line.

Subject Property Location Map:



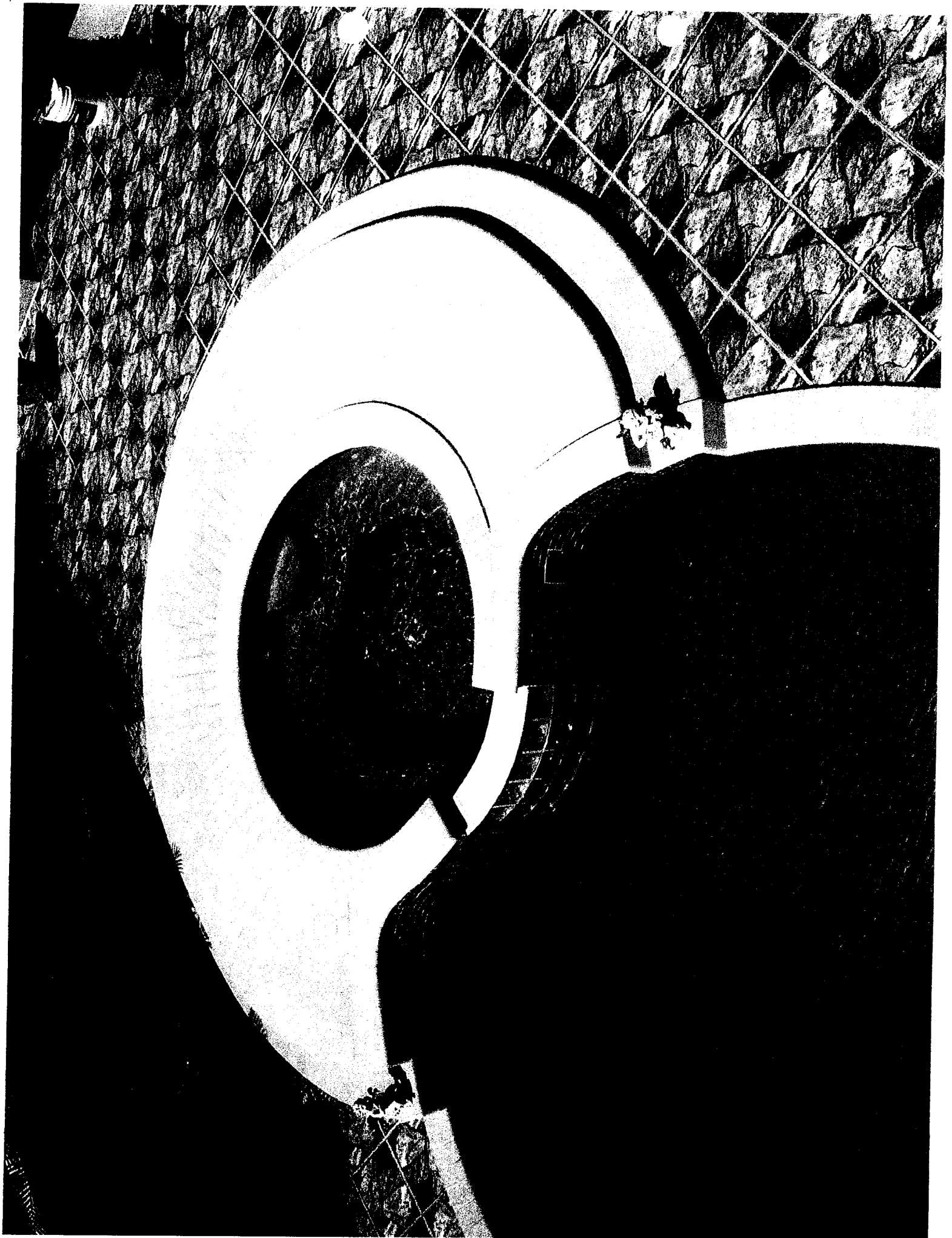
Open Violations / Zoning History:

There is an open permit (B2006-0306 for the pool and spa), and no violations on the subject property.

Typical Deed Restrictions Summary:

The following deed restriction data is provided for informational purposes only, and shall not be considered by the Council in providing its determination.

Typical deed restrictions in the area provided that the plans, specifications, and location of all contemplated improvements and modifications shall be accordance with the terms hereof and shall meet the requirements of all applicable local codes and ordinances of the local governing agency issuing permits for construction or land alterations in effect at the time the approval is sought.



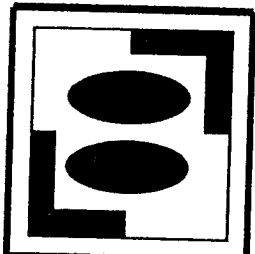
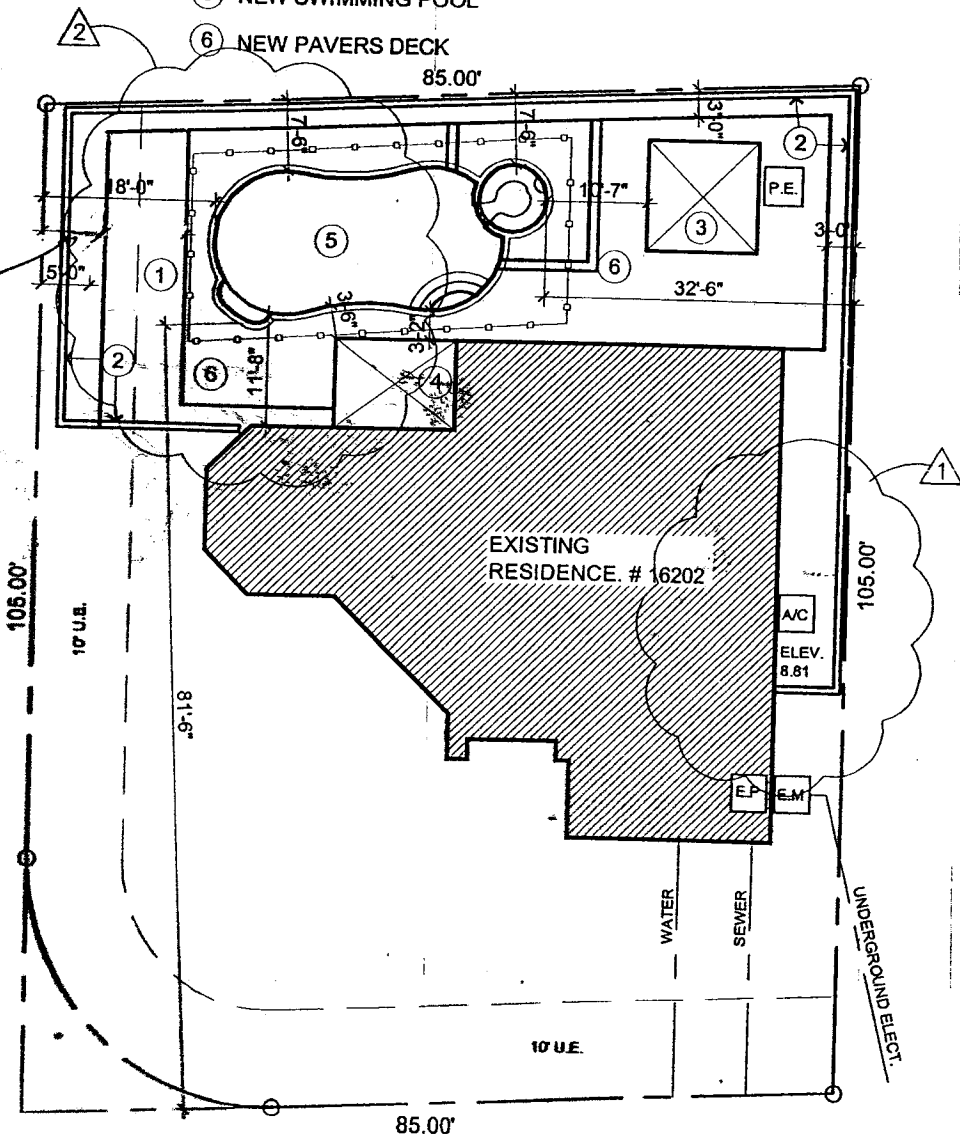
LEGAL DESCRIPTION:

LOT 9, BLOCK 24, "6th ADDITION TO ROYAL OAKS". ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, AT PAGE 31, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA.

LEGEND

- ① CHILD SAFETY POOL FENCE 4'-0" HIGH NO LESS THAN 20" FROM WATER (F.B.C. 424.2.17.1.13)
- ② EXISTING 6' HIGH CBS WALL
- ③ EXISTING CONC. SLAB ROOFED
- ④ EXISTING TERRACE
- ⑤ NEW SWIMMING POOL
- ⑥ NEW PAVERS DECK

6' SIDE STREET SETBACK



REVISIONS	COMMENTS
03-04-2006	①
04-04-2006	②
02-21-2007	③

SEAL: *[Signature]*
9-17-2007

FREDY TAIN
PE # 61011
13390 SW 66th Street
Miami FL 33183 (305) 408-4480

Proposal:

The applicant is proposing to a permit a pool deck on the subject property located three (3.00) feet from the RU-1 required rear (west) property line where five feet (5.00) is required. Additionally, the pool deck and a fence are proposed to be set back six (6.00) feet from the RU-1 required side street (south) property line where fifteen (15.00) feet is required. The pool deck addition provides additional outdoor living space for the applicant and the fence will provide additional security. This application will allow the proposed pool deck addition and fence to remain closer than permitted to the rear property line, and the side street property line. This application is part of the process in terms of assuring that the pool deck and fence to the subject property are properly permitted.

Variance Criteria:

Division 3.5(f) of the Town Code allows the Council to approve non-use variances based upon seven hardship criteria.

Notwithstanding the hardship criteria should the Town Council by extraordinary (5 votes) vote determine that the variance is justified by practical difficulty on the part of the applicant, and no objections from adjoining or directly affected property owners have been filed to the application, a variance may be approved as requested or approved with conditions.

Compliance of request with variance criteria:

- a. Variance Consistent with Authorized Powers. **YES** – The variance requests are correctly in front of the Council.
- b. Existence of Special Conditions or Circumstances. **NO** – The property is the same size and shape as other lots in the subdivision.
- c. Conditions Not Created by Applicant. **NO** – The applicant could comply with the requirements to what is permitted by code.
- d. Special Privileges Not Conferred. **NO** – If hardship variances are granted the property would have a special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district.
- e. Hardship Conditions Exist. **NO** - A literal interpretation of the provisions of this Land Development Code would not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would not create unnecessary and undue hardship on the applicant.
- f. Only the Minimum Variance Granted. **NO** – The requested variances are not necessary to allow the reasonable use of the land, building, or structure.

- g. Not Injurious to Public Welfare or Intent of the Land Development Code. **YES** - If granted the variances will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the above review, it is staff's opinion that the variance requests do not meet all of the hardship variance criteria. However, should the Council desire to approve the application by practical difficulty on part of the applicant and approve by extraordinary (5 votes) vote of the Council the following analysis is provided.

Analysis:

The subject parcel of land is located at 16202 N.W. 82nd Court, with dimensions of 85.0' x 105.0', in this area the Town's Comprehensive Development Plan (CDP) permits development up to a maximum of 6.0 dwelling units per gross acre. The variance request for the subject residence within this development is consistent with the CDP and does not create any impact on the levels of service (LOS) standards.

The applicant is proposing to a permit a pool deck on the subject property located three (3.00) feet from the RU-1 required rear (west) property line where five feet (5.00) is required. Additionally, the pool deck and a fence are proposed to be set back six (6.00) feet from the RU-1 required side street (south) property line where fifteen (15.00) feet is required. This application will allow the proposed pool deck addition and fence to remain closer than permitted to the rear property line, and the side street property line.

The approval of this application will allow the proposed fence and pool deck of the above mentioned single family residence which would provide additional living space and security for the residents. Staff does not support request # 1 to allow for the rear deck to be located 3' feet from the rear property line where 5' feet is required because the required minimum setback should be provided in order to provide for effective drainage of the subject site. The remaining requests #2 and #3 should be approved subject to conditions, the pool deck has limited impact to the surrounding properties and will be screened from view by the proposed fence. Staff feels that approval of the pool deck and fence side street setback encroachment would be minimal in impact due to the fact that the rear and side yards will be screened by a fence enclosure and the proposed fence is setback a minimum of 67' from the front property line.

Also staff is of the opinion that proposed fence should be limited in terms of its impact on the utility easement, and to surrounding properties. Therefore approval of the fence to be setback 0' from the side street where 15' is required is recommended setback a minimum of 67' from the front property line.

Staff notes that this application with the landscape buffering would be compatible with the area minimizing aural and visual impact on the adjacent properties while affording

the applicant reasonable use of this land. The variance requests based on practical difficulty are recommended, and would do substantial justice to the applicant as well as to other property owners in the district, a lesser relaxation is justified in order to give substantial relief. Accordingly, staff recommends modified approval of the subject application with conditions.

Recommendation: Denial of Request #1 and Approval of Requests #2, and #3 subject to Conditions

Conditions:

1. The site plan shall be submitted to and meet the approval of the Building Official, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy. The site plan shall include among other things but not limited to, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping.
2. The approval of the fence and pool deck location, shall be in accordance with the submitted "Sketch of Boundary Survey" and Plans for 16202 N.W. 82nd Court, Miami Lakes Fl., as prepared by Baez and Associates, Inc., Professional Land Surveyor, Registered Land Surveyor State of Florida, No. 5034, Job No. 0601-2006, and consisting of 1 sheet; and Site Plan by Fredy Tain, P.E. #61011. The approval of the pool deck location shall be a minimum setback of 5.0 feet from the rear property line, and a minimum setback of 6.0 feet from the interior side street property line. The requested fence shall setback a minimum of 67' from the front property line setback and 0' from the side street (south) property line.
3. The Applicant must obtain a letter from all utility companies concerned approving the encroachment of the fence and pool deck into the utility easement.
4. The applicant shall maintain and paint the fence to match the residence.
5. The applicant shall record the Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk before a permit is issued for the fence and pool deck.
6. The applicant shall obtain a building permit within one year of the date of this approval for the fence and pool deck at the setbacks approved herein. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

AR:MIC

ATTACHMENT A:

Division 5.13 Swimming Pools, Hot Tubs, Screen Enclosures and Pool Decks

A. For Single Family and Two Family residences the following regulations shall apply:

1. Swimming Pools, Whirlpools, and Hot Tubs including above ground hot tubs may be located within a required side or rear yard with the following setbacks:
 - Rear – 7.5' / (5' for Zero Lot Line Developments)
 - Side – 7.5 / (5' for Zero Lot Line Developments)
 - Side Facing a Street – 15'
2. The setbacks for swimming pools shall be measured from the edge of the water; however, for above ground whirlpools, hot tubs or spas the setback shall be measured from the outer edge of the enclosure.
3. The edge of the water of swimming pools shall be no closer than eighteen (18) inches to any enclosure, walls and fences.
4. Swimming Pool Screen Enclosures and Swimming Pool Decks may be located within a required side or rear yard with the following setbacks:
 - Rear – 5' (3' for Zero Lot Line Developments)
 - Side – 5' (4' for Zero Lot Line Developments)
 - Side Facing a Street – 15'

B. All Other Uses and Districts.

1. Swimming Pools, Hot Tubs, Screen Enclosures and Pool Decks shall not be permitted within any required yards.

C. Safety Barrier for Swimming Pools; all districts.

1. Required for final inspection of pool. No final inspection and approval for a swimming pool shall be given by the Town, unless there has been erected a safety barrier as hereinafter provided. No pool shall be filled with water unless a final inspection has been made and approved, except for testing purposes as may be approved by the Administrative Official.
2. Types permitted. The safety barrier shall take the form of a screened-in patio, a wooden fence, a wire fence, a rock wall, a concrete block wall or other materials, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property.
3. Height. The minimum height of the safety barrier shall be not less than four (4) feet.

4. Location of barrier. The safety barrier shall be erected either around the swimming pool or around the premises or a portion thereof on which the swimming pool is erected. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Pools located in enclosed structures or on the roofs of buildings shall not require the installation of barriers as required herein.
5. Gates. Gates shall be of the spring lock type, so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.
6. Permits. Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of this chapter. No swimming pool permit shall be issued unless simultaneously therewith a permit is secured for the erection of the required safety barrier, provided however, that in lieu of the permit for a safety barrier, a written statement from the owner certifying that he understands and agrees that the pool cannot be used or filled with water until a permit has been obtained for an approved safety barrier and such barrier erected, inspected and approved will be acceptable. This certification, however, will not eliminate the need for obtaining a permit and erecting an approved barrier prior to final inspection and use of the pool. If the premises are already enclosed, as hereinbefore provided, permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier and gates are proven to be satisfactory.
7. Wooden fences. In the wooden type fence, the boards, pickets, louvers, or other such members shall be spaced, constructed, and erected so as to make the fence nonclimbable and impenetrable.
8. Walls. Walls, whether of the rock or block type, shall be so erected to make them nonclimbable.
9. Wire fences (chain link). Wire fences shall be the two (2) inch, either vinyl coated or covered by a hedge, chain link or diamond weave nonclimbable type, or of an approved equal, with top rail. They shall be of a heavy, galvanized material.
10. Refusal of permit. It shall be within the discretion of the Administrative Official to refuse approval of a barrier which, in his opinion, does not furnish the safety requirements of this section, i.e., that is high enough and so constructed to keep the children of preschool age from getting over or through it.
11. Maintenance. It shall be the responsibility of the owner and/or occupant of the premises upon which the swimming pool is hereafter erected to maintain and keep the required safety barrier in proper and safe condition and erected in accordance with this division.
12. In addition, the swimming safety barrier shall comply with the current Building Code regulations.

ATTACHMENTB:

4.2.E. Development Regulations for Single Family and Two Family Districts

	Min. Lot Size	Min. Lot Width (4)	Front Setback (5)	Rear Setback (7)	Interior Side Setback	Street Side Setback	Max. Lot Coverage (1) (2) (3)	Building Size	Max. Height (6)
RU-1	7,500 sq. ft.	75'	25'	25'	10% of lot width, 5' min. 7.5' Max.	15'	40% for 1 story/ 35% for 2 story	2,000 sq. ft. min.	35' 2 stories
<u>RU-1 Access. Structures</u>			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
RU-1B	6,000 sq. ft.	60'	25'	25'	6'	10'	40%	1800 sq. ft. min.	35' 2 stories
RU-1B Access. Structures			Not permitted	5'	5'	10'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
RU-1A	5,000 sq. ft.	50'	25'	25'	5'	10'	40%	1700 sq. ft. min.	35' 2 stories
RU-1A Access. Structures			Not permitted	5'	5'	10'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
RU-1Z	4,500 sq. ft.	45'	20'	10' one story/ 15' two story	0' / 10'	15'	50%	1500 sq. ft. min.	35' 2 stories
RU-1Z Access. Structures			Not permitted	5'	5'	15'	20% of required rear yard	75 sq. ft. max. size per structure	15' 1 story
RU-2	7,500 sq. ft.	75'	25'	25'	7.5'	15'	40% for 1 story/ 35% for 2 story	900 sq. ft. min. per unit	35' 2 stories
RU-2 Access. Structures			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story