

ORDINANCE NO. 458

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, TO CREATE A NEW SECTION 58-337, AIR CONDITIONING AND SWIMMING POOL EQUIPMENT, TO PROVIDE REGULATIONS REGARDING THE PLACEMENT, AND SIZE OF AIR CONDITIONING AND SWIMMING POOL EQUIPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Article IX deals with Supplemental District Regulations, and given the number of homes with central air conditioning and with swimming pools, it is advisable to create regulations regarding the placement and screening of such, along with other requirements; and

WHEREAS, the Town Council hereby creates a new section 58-336 to establish what those new regulations will be; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council, after duly noticed public hearings has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. Recitals. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Amendment. Chapter 58, Zoning, Article IX, Supplemental District Regulations, Division 1, Generally, is hereby amended to create a new Section 58-336, entitled "Generators" as follows:

See Exhibit "A" attached hereto and made a part hereof

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be

renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

FIRST READING this 12th day of July, 2018.

THE SECOND AND FINAL READING was held this 26th day of July, 2018. Council member Harvin offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member Mendon, and upon being put to a vote, the vote was as follows:


JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTOGRAPH, Council Member
REMAR HARVIN, Council Member
DANIEL H. SOHN, Council Member

Aye
Aye
Aye
Aye
Aye

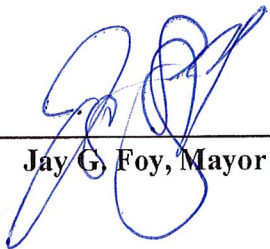
The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Admin.



Jay G. Foy, Mayor

TOWN OF HAVERHILL

Exhibit "A" – Ordinance 458

Sec. 58-337. - Air conditioning and swimming pool equipment.

- (a) No portion of any air conditioning and/or swimming pool equipment (including filter, pump, and heating equipment) shall be located closer than five (5) feet from a side or rear property line. In addition, such air conditioning or swimming pool equipment within ten (10) feet from the side or rear property line shall be completely screened with a wall, or opaque fence or landscaping, as high as said equipment from the neighboring property.
- (b) Cooling towers shall be required to meet the same minimum yard setback requirements as the principal structure, and shall be screened from the neighbors and/or a street by a three-sided, concrete block masonry finished wall at least as high as said cooling tower. If the required wall is higher than the Code allows in a setback in order to screen the cooling tower from the neighbors and/or a street, said wall shall also meet the minimum yard setback requirement as the principal structure.
- (c) No air conditioning or swimming pool equipment shall be allowed in a front yard.
- (d) Any house that fronts on two or more streets shall be allowed to place air conditioning (excluding cooling towers) and/or swimming pool equipment in each required street side or street rear yard setback provided that the combination of said equipment does not exceed two in each of said setbacks; are not more than four feet in height above the natural grade or the minimum flood elevation, whichever is greater, occupy no more than 25 square feet in total area; and are setback a minimum of 20 feet from the street side or street rear property line and are screened from view by a wall as high as said equipment and three foot high hedge outside said wall.