

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The proposed text amendments clarify the city's allowance of accessory athletic courts and fields, as well as the customary fencing. A new accessory use is created which includes standards that ensure that the impacts of these courts on neighboring properties and abutting right-of-way are minimized. The customary fencing would be permitted up to 14 feet in height provided their location, materials, and transparency comply with additional standards. The text amendments were unanimously recommended at the March 23, 2016 Planning and Zoning Board meeting (A copy of the draft Minutes are attached).

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	03/15/2016	Approval	Memo #16-052 <i>[Signature]</i>
City Attorney	<u>4-13-16</u>	<i>[Checkmark]</i>	<i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #16-019 (04/12/2016)
X City Manager			<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration	
1st Reading	1st Reading	Results:	Results:
2nd Reading			



City Attorney's Communication #2016-689

March 31, 2016

TO: Karen Friedman, AICP, Principal Planner
FROM: Mark E. Berman, City Attorney
RE: Ordinance Amending Chapter 155, "Zoning Code"

As requested in your memorandum of March 25, 2016, Department of Development Services Memorandum No. 16-139, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please carefully review the ordinance to ensure that it meets with your requirements.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2016-689

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

VV. ATHLETIC COURT OR FIELD

1. Districts Where Permitted

<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RS-L</u>	<u>RD-1</u>	<u>RM-7</u>	<u>RM-12</u>	<u>RM-20</u>	<u>RM-30</u>	<u>RM-45</u>	<u>MH-12</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>
<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>							

<u>M-1</u>	<u>CR</u>	<u>I-1</u>	<u>I-IX</u>	<u>OIP</u>	<u>M-2</u>	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>T</u>	<u>BP</u>	<u>RPU-D</u>	<u>PCD</u>	<u>PD-TO</u>	<u>LA-C</u>	<u>PD-I</u>
	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>		<u>A</u>	<u>A</u>	<u>A</u>				<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

2. Definition

Athletic Court or Field as an accessory use is an area designed for tennis, handball, basketball, racquetball, or similar athletic activities on a property whose principal use is not Park or Plaza. This use does not include a basketball hoop.

3. Standards

An Athletic Court or Field may be located in a required interior side yard setback or required rear yard setback provided they are located at least five feet from any interior side or rear lot line.

SECTION 2. That Section 155.5302., "Fences and Walls," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§155.5302. FENCES AND WALLS

...

D. HEIGHT REQUIREMENTS FOR FENCES AND WALLS

1. **Applicability**

a. **General**

...

b. **Exemptions**

i. **Required Screening**

...

ii. ~~Recreational Fencing~~

~~Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.~~

...

6. Fences for Athletic Court or Field

Fences provided as part of a permitted Athletic Court or Field may be allowed to increase maximum fence height to fourteen (14) feet provided they comply with the following standards:

- a. The fence is not located within a required front and/or street side yard;
- b. The fence is located at least five feet from the interior side and rear property lines;
- c. The fence is at least 75 percent see-through;
- d. The fence is located outside of the Rear Yard Corner Triangle as described in §155.5302.D.5.a, Fences and Walls Adjacent to Waterways; and
- e. Chain link fences visible from adjacent right-of-way shall be vinyl coated.

...

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
4/7/16
L:ord/ch155/2016-181

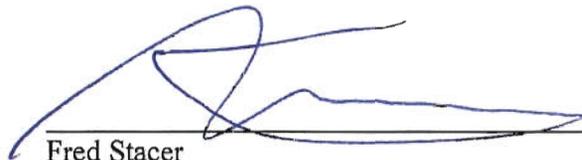
**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #16-019**

DATE: March 28, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to Zoning Code
Athletic Courts and related fencing

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on March 23, 2016, the Board considered proposed text amendments to the Zoning Code regarding Athletic Courts and Related Fencing as set forth in the Department of Development Services Administrative Report 16-052.

Staff recommends text amendments that create a new accessory use "Athletic Court of Field," delete the existing exemption from fence height standards for recreational fencing, and create a new subsection in the Fences standards regarding fences for Athletic Court or Field.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.

 4-12-16

Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency

11. Chapter 155 Zoning Code Text Amendment, Athletic Courts and related fencing

Staff is recommending text amendments which propose a new accessory use: Athletic Court or Field and propose revisions to the related “recreational fencing” standards.

Karen Friedman introduced herself to the Board and stated that the intent of the proposed text amendments are to clarify the city’s allowance of the accessory use of Athletic Courts as well as the necessary fencing. The intent of the text amendments are to permit this athletic courts and fields as an accessory use with reasonable standards that ensure that the impacts of these courts on neighboring properties and abutting right-of-way are minimized.

In particular, the text amendments create a new accessory use “Athletic Court or Field.” The definition clarifies this is not for Parks or Plazas. The definition also clarifies this use is not intended to regulate a basketball hoop. This use would be permitted as an accessory use for many principal uses, including but not limited to, single-family and multi-family residential uses, schools, community centers, and hotels. They would not be permitted in the front or street side yards. They could be located in the interior side or rear yard setback, provided they are five feet from the property line. The text amendments would also delete the existing exemption from fence height standards for recreation fencing.

Instead, a new subsection in the Fences standards regarding fences for Athletic Court or Field. The standards would allow these fences to be permitted up to fourteen (14) feet in height provided their location, materials, and transparency comply with additional standards. The 14 foot height is recommended for two reasons. First, fencing industry standards for athletic court fencing vary between 10 feet and 15 feet. Second, Miami-Dade County utilizes a 14 foot height standard for “Fences for tennis courts; fences and walls for other recreational uses”. A copy of the industry information and Miami-Dade County standards are attached for your reference.

Tobi Aycock asked Karen Friedman if the fence is transparent, why would there be any restrictions if it is in the rear yard corner of houses on waterways. Ms. Friedman answered that the City would like to protect the views of adjacent property owners and the increased height prompts the restrictions.

Ms. Friedman stated that she is concerned that the Board’s staff reports do not have all of the conditions due to a missing page. It was determined that a page of the staff report was missing and it was needed to continue with the Board’s review.

MOTION was made by Jeff Torrey and seconded by Tobi Aycock to table the text amendments until Staff can provide the missing page to the Board. All voted in favor of the above motion; therefore, the motion was approved.

MOTION was made by Trip Bechert and seconded by Tobi Aycock to remove the item from the table. All voted in favor of the above motion; therefore, the motion passed.

Karen Friedman stated that the Board received the five (5) specific conditions that would need to be met in order for the fence associated with an athletic court or field to be extended up to fourteen (14) feet in height. Ms. Friedman read off the five conditions to the Board.

MOTION was made by Trip Bechert and seconded by Jeff Torrey to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore, the motion passed.

12. Special Meeting, ETOC Land Use Plan Amendment

Consideration of a request for a special meeting to present and discuss the proposed East Transit Oriented Corridor (ETOC) Land Use Plan Amendment on April 20th, 2016.

Mr. Stacer asked the Board if the proposed date was ok with everyone's schedules. The Board members had no objections.

MOTION was made by Trip Bechert and seconded by Beth Anderson to approve the proposed workshop on April 20, 2016 at 6pm. All voted in favor of the above motion; therefore, the motion passed.

13. Special Meeting, Capital Improvement Plan

Consideration of a request to meet in June to review the presentation of the FY 17-21 Capital Improvement Plan.

Ms. MacNeil stated that in order for the Planning and Zoning Board to be the last advisory board to review the Capital Improvement Plan (CIP), the meeting would have to take place in the month of June. Ms. MacNeil stated that the Chambers were available on June 15th and the 29th. Ms. MacNeil added that the regular meeting for June is on the 22nd; however, the special magistrate's schedule would conflict with the Planning and Zoning Board hosting a meeting at 5pm.

The Chairman discussed reviewing the CIP at 6pm on June 22, 2016 and having the regular meeting moved to 7pm. Ms. Anderson asked if an hour is sufficient for this meeting. Ms. Gomez stated that an hour would be sufficient. Ms. Sarver asked if the Planning and Zoning Board is required to review the CIP and Ms. Gomez confirmed that it is a requirement. Mr. Stacer asked the Board their preference for the time of the special meeting and several members of the Board responded that the 6pm meeting time for the CIP review on June 22nd worked well.

MOTION was made by Beth Anderson to hold a special meeting for the review of the Capital Improvement Plan at 6pm on June 22, 2016 and for the regular meeting to be held

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-052

DATE: March 15, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services 

FROM: Karen Friedman, AICP, Principal Planner 

RE: Proposed Revisions to §155.4303 and 155.5302.D.1.b.ii: Athletic Courts and related fencing

Staff has prepared text amendments which propose a new accessory use: Athletic Court or Field and propose a revisions to the related "recreational fencing" standards.

The text amendments are proposed to clarify the city's allowance of this accessory use as well as the necessary fencing. The intent of the text amendments are to permit this athletic courts and fields as an accessory use with reasonable standards that ensure that the impacts of these courts on neighboring properties and abutting right-of-way are minimized.

The proposed text amendments, therefore, address the following:

- Create a new accessory use "Athletic Court or Field"
 - The definition clarifies this is not for Parks or Plazas. The definition also clarifies this use is not intended to regulate a basketball hoop.
 - This use would be permitted as an accessory use for many principal uses, including but not limited to, single-family and multi-family residential uses, schools, community centers, and hotels.
 - They would not be permitted in the front or street side yards. They could be located in the interior side or rear yard setback, provided they are five feet from the property line.
- Delete the existing exemption from fence height standards for recreation fencing.
- Create a new subsection in the Fences standards regarding fences for Athletic Court or Field
 - The standards would allow these fences to be permitted up to 14 feet in height provided their location, materials, and transparency comply with additional standards
 - The 14 foot height is recommended for two reasons. First, fencing industry standards for athletic court fencing vary between 10 feet and 15 feet. Second, Miami-Dade County utilizes a 14 ft height standard for "Fences for tennis courts; fences and walls for other recreational uses". A copy of the industry information and Miami-Dade County standards are attached for your reference.

Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

§155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

VI. ATHLETIC COURT OR FIELD

1. Districts Where Permitted

<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RS-L</u>	<u>RD-1</u>	<u>RM-7</u>	<u>RM-12</u>	<u>RM-20</u>	<u>RM-30</u>	<u>RM-45</u>	<u>MH-12</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>
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<u>M-1</u>	<u>CR</u>	<u>I-1</u>	<u>I-IX</u>	<u>OIP</u>	<u>M-2</u>	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>T</u>	<u>BP</u>	<u>RP-UD</u>	<u>PC-D</u>	<u>PD-TO</u>	<u>LA-C</u>	<u>PD-I</u>
	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>		<u>A</u>	<u>A</u>	<u>A</u>				<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

2. Definition

Athletic Court or Field as an accessory use is an area designed for tennis, handball, basketball, racquetball, or similar athletic activities on a property whose principal use is not Park or Plaza. This use does not include a basketball hoop.

3. Standards

An Athletic Court or Field may be located in a required interior side yard setback or required rear yard setback provided they are located at least five feet from any interior side or rear lot line.

...

§155.5302. FENCES AND WALLS

...

D. Height Requirements for Fences and Walls

1. Applicability

...

b. Exemptions

...

ii. Recreational Fencing

~~Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.~~

...

5. Fences for Athletic Court or Field

Fences provided as part of a permitted Athletic Court or Field may be allowed to increase maximum fence height to fourteen (14) feet provided they comply with the following standards:

- a. The fence is not located within a required front and/or street side yard;
- b. The fence is located at least five feet from the interior side and rear property lines;
- c. The fence is at least 75 percent see-through;
- d. The fence is located outside of the Rear Yard Corner Triangle as described in §155.5302.D.5.a, Fences and Walls Adjacent to Waterways; and
- e. Chain link fences visible from adjacent right-of-way shall be vinyl coated.

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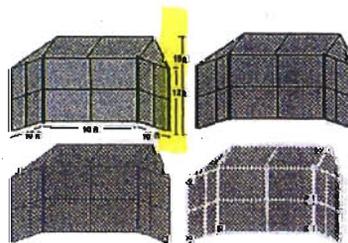
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- VINYL PRIVACY FENCE ▼

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properly compacted road base or non-expansive native soils. For Sand-Filled Turf courts, asphalt or concrete is recommended, although they can be constructed on properly prepared road base materials.

[return to questions](#)

What kinds of surfaces are available?

Acrylic color coatings are standard hard court surfaces. These are comprised of resurfacer coats for blending/smoothing and color coats for texture and aesthetics. Cushioned surfaces are installed on hard-court substrates, such as concrete or asphalt. The cushioned surface can either be an acrylic-and-rubber build up system or a textile product. There are several options for each type of cushioned surface, all with varying degrees of cushion. Sand-filled Turf surfaces can be installed on either concrete, asphalt or a properly prepared gravel base. These surfaces are finding a niche in the industry as a rehabilitative surface, being placed over severely cracked substrates. There are several manufacturers of these surfaces, each with certain attributes. Har-Tru Clay surfaces are comprised of aggregate bases, with crushed granite as the actual play surface. Most installations are new facilities, although it is becoming more common to rebuild existing facilities by overlaying the existing courts with a clay court system.

[return to questions](#)

What resurfacing options are available for hard courts?

Standard resurfacing includes crack filling and re-coating of the acrylic surface. Birdbath leveling may or may not be included, depending on their severity and the customers' budget. Structural cracks, although filled, will reopen, although in diminished form, due to thermal expansion/contraction. The sand-filled turf systems and some of the textile cushion systems can be installed over cracked substrates to prevent the cracks from interfering with play. These surfaces are free-floating over the surface area of the court to allow the cracks to continue movement without reflecting through.

[return to questions](#)

What size fences are required for tennis courts?

Recommended fence height for tennis courts is 10' or 12', with 10' high being the most common height. As the majority of tennis balls will bounce to the ends or the corners, the high fence is required at each end, returning along the sides for a minimum of 20'. At this point, the side fences can be reduced in height, or even eliminated, to allow for viewing onto the court.

[return to questions](#)

What types of fencing are recommended?

Standard fencing for tennis courts is a chain link fencing system. Options for chain link fencing include Galvanized chain link systems and Vinyl-coated chain link fence systems. Options for fencing can include wooden posts and rails with chain link fence fabric, wooden picket fences, or a soft-fence, which is a nylon mesh netting.

[return to questions](#)

Should an architect and/or engineer be involved with my project?

In instances where a total site development or reconstruction is to be done, a landscape architect can offer a total "vision" of the completed project. This can include plantings, irrigation, walls, etc. In instances where a tennis court is to be constructed on an existing landscaped lot, or if the owner has a plan for amenities and plantings, an architect would not be required. Although not required, a soils report prepared by a soils engineer can offer invaluable insight to sub-surface conditions, and recommend procedures to overcome any problems that may lie beneath. We do not generally include this cost in our proposals, but we do recommend that the owner consider such. Problems that may be encountered might be expansive soils, underground springs, or substantial organic materials that may deteriorate. Typically, a property owner has already had this evaluation done when constructing structures on it. We can prepare engineered drawings for permitting and construction, for the tennis court, drains, retaining walls, lighting, etc.

[return to questions](#)

Miami - Dade County, Florida - Code of Ordinances

Sec. 33-11. - Fences, walls, bus shelters and hedges.

- (f) Fences for tennis courts; fences and walls for other recreational uses. Fences for tennis courts may be erected up to fourteen (14) feet in height if such fence conforms to accessory use setbacks. Fences and/or walls in connection with other permitted recreational uses, such as baseball backstops, handball courts, and the like, shall be permitted of a height necessary for the particular use if required accessory use setbacks are observed.

(Ord. No. 69-62, § 1, 9-17-69; Ord. No. 70-20, § 1, 3-11-70; Ord. No. 80-127, § 1, 11-4-80; Ord. No. 82-31, § 1, 4-20-82; Ord. No. 85-31, § 2, 5-7-85; Ord. No. 89-109, § 1, 11-7-89; Ord. No. 95-25, § 1, 2-7-95; Ord. No. 95-199, § 1, 11-7-95; Ord. No. 03-159, § 1, 7-8-03; Ord. No. 05-77, § 1, 4-19-05; Ord. No. 10-87, § 1, 12-7-10; Ord. No. 11-57, § 1, 8-2-11; Ord. No. 11-68, § 1, 9-20-11; Ord. No. R-13-09, § 1, 2-5-13; Ord. No. 14-06, § 1, 1-22-14; Ord. No. 15-128, § 1, 11-3-15; Ord. No. 15-143, § 1, 12-1-15)

