

**SUBJECT:** Proposed text amendment for §1419-26 Swimming Pools and Outdoor Amenities.

**PURPOSE:**

To obtain approval from the City Planning Commission (CPC) on a text amendment that will add supplemental regulations to the Zoning Code for Swimming Pools, Hot Tubs and other Outdoor Amenities.

**PROPOSED TEXT AMENDMENT:**

**§ 1419-26 Swimming Pools and Outdoor Amenities.**

Private outdoor residential pools, both above and below ground, as well as swimming pool accessories, structures, equipment, hot tubs and other outdoor amenities including but not limited to, pool houses, cabanas, barbeque facilities, outdoor kitchens, outdoor fireplaces, gazebos, playhouses, playground equipment, tennis courts and other similar playing courts are permitted as an accessory use within the rear yard and shall meet the following requirements as applicable:

- a) Swimming pools or other outdoor amenities are to be used solely by the occupants and their guests.
- b) Swimming pools, or other outdoor amenities shall not be located closer than ten (10) feet to any property line of the property on which it is located nor within 30 feet of any adjacent property owner's dwelling.
- c) Swimming pools or other outdoor amenities shall not be located closer than ten feet from any side street or alley right-of-way, or the distance required for side yard by the Zoning Code, whichever is greater.
- d) The swimming pools shall be completely enclosed by a fence not less than four feet in height. Gates shall be securely locked when the pool is not in use and shall be maintained in good condition.
- e) Fixed lighting for swimming pools, hot tubs and other outdoor amenities shall be located, screened or shielded so that any adjacent residential lots are not directly illuminated. See section 1421-39 for lighting regulations.

**JUSTIFICATION:**

Many issues have been raised regarding the regulation of swimming pools and other outdoor amenities including outdoor kitchens and large barbecue facilities. These outdoor uses have the potential to create adverse impacts such as noise, odor, lights and security for abutting neighbors. In addition, it was never the intention to allow swimming pools in the front or side yards without a public hearing process. The hearing examiner may consider a Special Exception for any of the Additional Development Regulations set forth in Chapter 1419 of the Zoning Code.

**PUBLIC STAFF CONFERENCE:**

A Public Staff Conference was held on February 13, 2008. There were no issues with this specific text amendment.

**RECOMMENDATION:**

The City Planning Department staff recommends that the City Planning Commission approve the requested text amendment.

**RESPECTFULLY SUBMITTED BY:**

\_\_\_\_\_  
Alex Peppers, Intern, City Planning Department

**REVIEWED BY:**

\_\_\_\_\_  
Margaret A. Wuerstle, AICP, Chief Planner  
City Planning Department

12/13/07  
\_\_\_\_\_  
ZTAC

**APPROVED:**

\_\_\_\_\_  
Charles C. Graves, III  
Director, City Planning Department

**SUBJECT:** Proposed text amendment for §1419-26 Swimming Pools and Outdoor Amenities.

**PURPOSE:**

To obtain approval from the City Planning Commission (CPC) on a text amendment that will add supplemental regulations to the Zoning Code for Swimming Pools, Hot Tubs and other Outdoor Amenities.

**PROPOSED TEXT AMENDMENT:**

**§ 1419-27 Swimming Pools and Outdoor Amenities.**

Private outdoor residential pools, both above and below ground, as well as swimming pool accessories, structures, equipment, hot tubs and other outdoor amenities including but not limited to, pool houses, cabanas, barbeque facilities, outdoor kitchens, outdoor fireplaces, gazebos, playhouses, playground equipment, tennis courts and other similar playing courts are permitted as an accessory use within the rear yard and shall meet the following requirements as applicable:

- a) Swimming pools or other outdoor amenities are to be used solely by the occupants and their guests.
- b) Swimming pools, or other outdoor amenities shall not be located closer than ten (10) feet to any property line of the property on which it is located nor within 30 feet of any adjacent property owner's dwelling.
- c) Swimming pools or other outdoor amenities shall not be located closer than ten feet from any side street or alley right-of-way, or the distance required for side yard by the Zoning Code, whichever is greater.
- d) The swimming pools shall be completely enclosed by a fence not less than four feet in height. Gates shall be securely locked when the pool is not in use and shall be maintained in good condition.
- e) Fixed lighting for swimming pools, hot tubs and other outdoor amenities shall be located, screened or shielded so that any adjacent residential lots are not directly illuminated. See section 1421-39 for lighting regulations.

**§ 1419-28** Vehicle Repairs.

**JUSTIFICATION:**

Many issues have been raised regarding the regulation of swimming pools and other outdoor amenities including outdoor kitchens and large barbecue facilities. These outdoor uses have the potential to create adverse impacts such as noise, odor, lights

and security for abutting neighbors. In addition, it was never the intention to allow swimming pools in the front or side yards without a public hearing process. The hearing examiner may consider a Special Exception for any of the Additional Development Regulations set forth in Chapter 1419 of the Zoning Code.

**PUBLIC STAFF CONFERENCE:**

A Public Staff Conference was held on February 13, 2008. There were no issues with this specific text amendment.

**RECOMMENDATION:**

The City Planning Department staff recommends that the City Planning Commission approve the requested text amendment.

**RESPECTFULLY SUBMITTED BY:**

---

Alex Peppers, Intern, City Planning Department

**REVIEWED BY:**

---

Margaret A. Wuerstle, AICP, Chief Planner  
City Planning Department

---

12/13/07

ZTAC

**APPROVED:**

---

Charles C. Graves, III  
Director, City Planning Department