

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCES, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION C OF SECTION 12-35-3, “IN-GROUND AND ABOVE-GROUND SWIMMING POOLS AND SPAS,” OF ARTICLE 35, “ACCESSORY STRUCTURES REGULATIONS,” OF CHAPTER 12, “ZONING,” TO ALLOW PLACEMENT OF SWIMMING POOLS AND SPAS WITHIN 5 FEET OF THE MAIN STRUCTURE WITH ENGINEERING JUSTIFICATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Coppell, Texas has determined that it is the City’s best interests of the health, safety and welfare of the citizens of the City to update certain accessory structure regulations of Article 35 of Chapter 12, the City’s zoning regulations; and

**WHEREAS**, the Planning and Zoning Commission of the City of Coppell and the governing body of the City, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City is of the opinion that said zoning ordinance and map should be amended as provided herein and should be approved.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the City of Coppell, Texas, be and the same is hereby amended by amending subsection (C) of Section 12-35-3, “In-ground and above-ground swimming pools and spas,” of Article 35, “Accessory Structures Regulations,” of Chapter 12, “Zoning,” without amendment, repeal or change to any other subsection, part or provision of Section 12-35-3, such that Subsection (C) of Section 12-35-3 shall read as follows:

**“CHAPTER 12 – ZONING**

...

**ARTICLE 35. – ACCESSORY STRUCTURES REGULATIONS**

...

**Sec. 12-35-3. – In-ground and above-ground swimming pools and spas.**

...

- C. Distance from the main structure: no less than five feet from the main structure to the outside of the pool shell, unless engineered plans or letter are included in the permit submittal.

...”

**SECTION 2.** That all provisions of the Code of Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 4.** That should any word, phrase, paragraph, section or portion of this ordinance or of the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or of the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2023

**APPROVED:**

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**WES MAYS, MAYOR**

**ATTEST:**

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**ASHLEY OWENS, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**ROBERT E. HAGER, City Attorney**