



MEMORANDUM

To: Mayor and City Council

From: Mindi Hurley, Director of Community Development

Date: October 10, 2023

Reference: PUBLIC HEARING: Consider approval of a text change amendment to the Code of Ordinances, 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 and authorizing the Mayor to sign.

2040: Enhance the Unique 'Community Oasis' Experience

Introduction:

The purpose of this agenda item is to amend Subsection C of Section 12-35-3 of the Code of Ordinances to allow placement of swimming pools and spas within 5 feet of the main structure with engineering justification. In reviewing ordinances in other cities, the majority allow the setback between the house and pool to be waived if the permit includes engineered plans for reinforcing one or both foundations to accommodate the load of the other, or a letter is submitted by a professional engineer stating that the proposed pool will not adversely affect the foundation of the primary structure.

Background:

This Subsection of the Zoning Ordinance was last amended in June 2023 with the Accessory Structure changes. We have received a permit application in conflict with the separation requirements established for the pool to the main structure. The proposed ordinance allowing the placement of swimming pools and spas within 5 feet of the main structure with engineering justification is attached.

Benefit to the Community:

This will allow for increased flexibility in pool design.

Legal Review:

The City Attorney drafted the ordinance.

Fiscal Impact:

N/A

Recommendation:

On Thursday, September 21, 2023, the Planning and Zoning Commission (7-0) recommended approval of the text change amendment to the Code of Ordinances, Chapter 12, Article 35 “Accessory Structures” Section 3 “In-ground and above-ground swimming pools and spas” Subsection C - Distance from the main structure.

Attachments:

1. Staff Report
2. Ordinance