

ORDINANCE NO. O-2024-16

AN ORDINANCE AMENDING HIGHLAND CITY DEVELOPMENT CODE RELATED TO SWIMMING POOL REGULATIONS

WHEREAS, Highland City is authorized to enact land use regulations that govern the use and development of property;

WHEREAS, Highland City has previously adopted regulations regarding swimming pools;

WHEREAS, a duly noticed public hearing was held by the Planning Commission regarding the proposed amendments described herein on June 25, 2024, after which hearing the Commission recommended adoption of certain amendments to the regulations;

WHEREAS, the Highland City Council provided notice of and conducted a public hearing regarding the proposed amendments and to review the recommendation of the Planning Commission on July 2, 2024;

WHEREAS, the Highland City Council desires to amend its swimming pool regulations to allow for greater flexibility in the location of swimming pools, ensure greater consistency in application of regulations, and to better conform to state construction code;

WHEREAS, the Highland City Council finds that the proposed amendments further the public welfare and are in the interest of the public.

NOW THEREFORE, BE IT ORDAINED by the Highland City Council as follows:

SECTION 1. Sections 3-4111, 3-4211, and 3-4261 of the Highland Development Code are repealed.

SECTION 2. Section 3-627 of the Highland Development Code is enacted as shown in Exhibit A, attached hereto. Language marked in green (reflecting current swimming pool regulations) or in red underline (reflecting newly added regulations) are together enacted as Section 3-627, while language struck through is not enacted or added to the code.

SECTION 3. All ordinances and parts and provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this 2nd day of July, 2024.



Mayor

ATTESTED:



City Recorder



COUNCILMEMBER

YES

NO

Brittney P. Bills

Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith

| | YES | NO |
|-------------------|-------------------------------------|----|
| Brittney P. Bills | <input checked="" type="checkbox"/> | |
| Ron Campbell | <input checked="" type="checkbox"/> | |
| Doug Cortney | <input checked="" type="checkbox"/> | |
| Kim Rodela | <input checked="" type="checkbox"/> | |
| Scott L. Smith | <input checked="" type="checkbox"/> | |

EXHIBIT A

3-627 Swimming Pools

A swimming pool is a semi-permanent or permanent structure that is constructed to hold water that can be entered and used for recreational purposes, including pools and spas as defined by the currently adopted International Pool and Spa Code. A pool that could be installed by the typical homeowner and may be packaged as a kit, or a pool that is erected for temporary use of less than one year, is not considered a ~~permanent swimming~~ pool. ~~A swimming pool that is constructed near or below grade with the intention of lasting more than one year shall be considered a permanent pool and shall be in all zones~~ are subject to the following requirements:

- ~~1. All permanent pools shall be subject to all setback requirements for accessory structures as defined in Section 3-4109 of this Code; and~~
1. Swimming pools may be installed only in zones that expressly authorize the installation of swimming pools.
2. Any structural portion of a swimming pool shall not be permitted within an easement of any kind; ~~and~~.
3. Pools that are enclosed or covered within a permanent structure other than the main or primary building on the property, and pool facilities, equipment, and enhancements, such as slides, water features, and diving boards, shall be considered ~~an~~ accessory structures and shall be subject to all regulations related to accessory structures of the applicable zone ~~Sections 3-4104 and 3-4109 of this Code~~.
 - a. For the purposes of this section only, a “permanent structure” shall be considered any structure or landscaping object exceeding one-hundred twenty (120) square feet in size or exceeding fourteen (14) feet in height constructed for the purpose of enhancing the swimming pool or pool equipment facilities.
4. Swimming pool setback requirements ~~from property lines are measured to the inside wall of the swimming pool, and~~ are as follows:
 - a. Front Yard: ~~Thirty-one~~ Thirty-one feet (301'), or consistent with the primary building, whichever is greater. Min.
 - b. Rear Yard: ~~Ten-Eleven~~ Ten-Eleven feet (1011') ~~Min.~~
 - c. Side Yard: ~~Ten-Eleven~~ Ten-Eleven feet (1011') ~~Min.~~
 - d. Side Yard Adjacent to a Street: ~~Ten-Eleven~~ Ten-Eleven feet (101') ~~Min.~~ (fence is permitted 5' from property line).
 - e. Trail or Landscape Easement: ~~Ten-Eleven~~ Ten-Eleven feet (101') ~~Min.~~ (measured from nearest easement line.)
5. The rear and side yard setbacks, not adjacent to a street or to a trail or landscape easement, may be reduced a minimum setback of six feet (6') if each of the following requirements are satisfied:

- a. There are no utility easements within the pool or setback area or such easements are vacated.
- b. The property owner obtains a survey of the property and setback lines.
- c. There are no structures, retaining walls, utility facilities, sensitive lands as defined by Chapter 8, or any other feature or improvement within 10 feet of either side of the relevant property line that may be affected by the excavation and installation of the swimming pool.
- d. No access or work is permitted on the neighboring property without the neighboring property owner's written authorization.
- e. No pool facility, equipment, or enhancement is permitted between the pool and the property line. Any structure sheltering pool equipment or utilities must be set back at least ten feet away from the property line.
- e.f. A soil stabilization plan is required to prevent soil collapse during excavation and construction.

5. ~~All outdoor swimming pools shall be enclosed with a fence and gates or equipped an automated safety cover, as required by the currently adopted International Pool and Spa Code. enclosed with a fence with a minimum height of four feet and include a self-closing locking gate; or~~

- a. ~~That all swimming pool properties shall be enclosed with a fence that is a minimum height of a 6 feet, unless in an open space subdivision which will then be a minimum height of 5 feet;~~

6. ~~In either case, it will include a self-closing locking gate and an automated swimming pool cover.~~

7. All permanent swimming pools shall require a building permit.