

## ORDINANCE 19-27

**AN ORDINANCE AMENDING TITLE 19, CHAPTER 19.05, SECTION 19.05.040 "PRIVATE SWIMMING POOLS, TENNIS COURTS, SKATEBOARD RAMPS, SATELLITE DISHES, AND BASKETBALL STANDARDS OR COURTS"; BY AMENDING THE SETBACKS FOR SWIMMING POOLS WITHIN ALL SINGLE FAMILY ZONING DISTRICTS; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE**

**WHEREAS**, the City has received multiple inquiries for a potential change in the zoning requirements for swimming pools setbacks for corner lots that have a rear yard next to a side yard in single family zoning districts; and

**WHEREAS**, the City code setback requirement of a swimming pool when placed in the rear yard area of a corner lot that has a rear lot line that is also a side lot line of the adjacent lot, has a twenty-five (25) foot minimum setback requirement from the pool to the shared property line.

**WHEREAS**, in most cases, this prohibits homeowners who live on a corner lot from building a standard-size swimming pool. Most single family homes are built to the minimum setbacks of the zoning district and therefore are restricted from building a swimming pool; and

**WHEREAS**, a single family home on a corner lot currently requires a minimum setback greater than twenty-five (25) feet from the rear property line to meet all of the minimum setback requirements for a standard-size pool.

**WHEREAS**, a single family home that is not on a corner lot is currently allowed to have a swimming pool that is four (4) feet from a side or rear property line as long as it is twenty (20) feet from the neighboring dwelling; and

**WHEREAS**, by allowing swimming pools on corner lots to be placed four (4) feet from the rear property line as long as it is a minimum of twenty (20) feet from the neighboring dwelling regardless of its orientation, a homeowner would be allowed to build a swimming pool on a corner lot with reasonable standards, and not be impacted by the orientation of an adjacent home.

**WHEREAS**, the Planning Commission has reviewed the proposed ordinance and has recommended the amendment for swimming pools on corner lots in single family zoning districts be approved; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:**

**SECTION I: Repealer.** If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.** Title 19, Chapter 19.05, Section 19.05.040 shall be amended and enacted to read as follows:

**19.05.040 Private Swimming Pools, Tennis Courts, Skateboard Ramps, Satellite Dishes, And Basketball Standards Or Courts**

1. **Swimming Pool (private).** No such pool shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:
  - a. It is an accessory use to a main building and is located within the side or rear yard thereof and accessory structure setbacks do not apply to the swimming pool;

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- b. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
- c. It may not be located closer than four feet (4') to any property line or to the home on the property on which it is located; the setback is measured from the water's edge to the property line;
- d. It shall not be less than twenty feet (20') from any neighboring dwelling's livable space, It shall not be less than fifteen feet (15') from any neighbors' non-livable area of their dwelling, which includes, but is not limited to, the garage, carport, or storage areas;
- e. It shall not be less than fifteen feet (15') from any side lot line of an adjacent vacant lot or parcel;
- f. If pool is adjacent to the side yard of the neighboring dwelling's livable area, then the pool shall not be less than twenty feet (20') from the neighboring dwelling's livable area, measured from the edge of the pool to the foundation of the neighboring dwelling's livable area. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet (6'). The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all current building codes. All gates on said fences shall be self-closing and fitted with a self-latching device located on the interior side of the gate;
- g. Where a swimming pool is completely enclosed in a building, the location and setback requirements for an accessory structure shall apply. Where a swimming pool is to be located in the near vicinity of any septic tank or sewage disposal drain field, the location must be approved by the Davis County Health Department; and
- h. Any above ground pool lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet (5') high along the neighboring property line.

SECTION III: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: **Effective Date.** This ordinance shall become effective immediately upon publication or posting.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this 5<sup>th</sup> day of September, 2019.



*Scott Freitag*  
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 SCOTT FREITAG, Mayor

ATTEST:

*Kimberly S Read*  
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 KIMBERLY S READ, City Recorder

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STATE OF UTAH )

ss:

COUNTY OF DAVIS )

I, **Kimberly S Read**, do hereby certify that I am the duly qualified and acting **City Recorder** of Layton City Corporation, a municipal corporation located in Davis County, State of Utah. I further certify that on the **9<sup>th</sup> day of September 2019**, I posted **Ordinance 19-27** to which this certificate is attached, by posting a full, true and correct copy thereof, in each of the following three public places within the corporate limits of Layton City, to wit:

**One copy at Layton City Hall**

**One copy at Davis County Library, Layton Branch**

**One copy at Layton City Police Department**

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the corporate seal of Layton City this **9<sup>th</sup> day of September, 2019**.



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KIMBERLY S READ, City Recorder