

WEST BOUNTIFUL CITY

ORDINANCE #420-20

AN ORDINANCE AMENDING WBMC TITLE 17 TO ADDRESS REGULATIONS FOR SWIMMING POOLS

WHEREAS, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Land Use Ordinances; and

WHEREAS, the West Bountiful Planning Commission is reviewing the City’s Municipal Code for compliance with current federal and state laws, adding clarification, and updating where appropriate; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on December 10, 2019, to consider appropriate modifications; and,

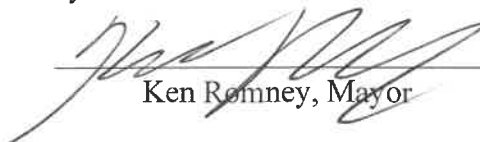
WHEREAS, the West Bountiful Planning Commission has recommended adoption of proposed amendments to WBMC 17.76 for swimming pools.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC CHAPTER 17.76 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

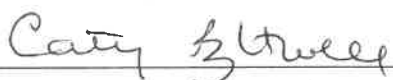
Adopted this 7th day of January 2020.

By:


Ken Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	☒	☐
Councilmember Bruhn	☒	☐
Councilmember Enquist	☒	☐
Councilmember Preece	☒	☐
Councilmember Wood	☒	☐

Attest:


Cathy Brightwell, City Recorder



SWIMMING POOLS

17.76 Swimming Pools

17.76.010 Definitions

17.76.020 Private Pools And Use

17.76.030 Semi-Private Pools And Use

17.76.010 Definitions

As used in this chapter:

"Private swimming pool" means any constructed pool that is used, or intended to be used, as a swimming pool in connection with a single-family residence and available only to the family of the household and private guests.

"Semi-private swimming pool" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"Swimming pool" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet.

Adopted by Ord. 374-15 on 11/18/2015

17.76.020 Swimming Pool Regulations

- A. Swimming pools not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from all side and rear property lines.
- B. Swimming pools shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when the swimming pool is not in use by persons invited by the owner.
- C. Private swimming pools must not directly connect to the city's culinary water system or to the public sewer system.

Adopted by Ord. 374-15 on 11/18/2015

17.76.030 Semi-Private Pools And Use

Semi-private swimming pools may only be owned as part of a Home Owners Association (HOA) or similar non-profit entity, provided that in all such cases the following conditions are met:

- A. The swimming pool facilities are to be owned and maintained by the members, and a minimum of seventy-five (75) percent of the membership must be residents of the neighborhood or section of the subdivision in which the swimming pool is to be located.
- B. The area to be used for the swimming pool facilities includes off-street parking of sufficient size to satisfy the needs of the area and still maintain a landscaped area of not less than ten (10) feet on all sides.
- C. The swimming pool area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the swimming pool is to be situated.
- D. Electrical.
 - 1. Overhead Conductor Clearances. No overhead electrical conductors are permitted.
 - 2. Underground Conductor Clearances.
 - a. Distribution Lines Over Six Hundred (600) Volts. There shall be a minimum ten (10) feet horizontal separation between the closest edge of pool and lines distributing over six hundred (600) volts of electricity.

- b. Service Lines Under Six Hundred (600) Volts. There shall be a minimum five feet horizontal separation between the closest edge of the pool and service lines carrying fewer than six hundred (600) volts of electricity.
- E. Under no condition can any charge be made for the use of any of the swimming pool facilities. Notwithstanding, the owners shall share the cost of the facilities' operations and maintenance.
- F. Unless approved as part of a planned unit development, no retail or business facilities shall be permitted in the swimming pool area.
- G. Club houses or any type of night-time indoor facilities will not be permitted in connection with swimming pool facilities except as specifically approved as part of a planned unit development.

Adopted by Ord. 374-15 on 11/18/2015

SWIMMING POOLS

17.76 Swimming Pools and Recreational Facilities

17.76.010 Definitions

17.76.020 Private Pools And Use

17.76.030 Semi-Private Pools And Use

17.76.010 Definitions

As used in this chapter:

"**Private swimming pool**" means any constructed pool ~~which that~~ is used, or intended to be used, as a swimming pool in connection with a single-family residence and available only to the family of the household and private guests.

"**Semi-private swimming pool**" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"**Swimming pool**" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet.

Adopted by Ord. 374-15 on 11/18/2015

17.76.020 Private Swimming Pool Regulations And Use

- ~~A. Any private or semiprivate s~~Swimming pools not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from all side and rear property lines.
- ~~B. Any s~~Swimming pools shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when the swimming pool is not in use by persons invited by the owner.
- ~~A.C. Private swimming pools will be permitted when they meet the necessary setback requirements. However, there must be no~~ directly connection to the city's culinary water system or to the public sewer system ~~of the city.~~

Adopted by Ord. 374-15 on 11/18/2015

17.76.030 Semi-Private Pools And Use

The planning commission may permit, temporarily or permanently, the use of land in any zoning district for Ssemi-private swimming pools ~~or recreational facilities may only be owned as part of a Home Owners Association (HOA) or similar non-profit entity~~, provided that in all such cases the following conditions are met:

- A. The swimming pool facilities are to be owned and maintained by the members, and a minimum of seventy-five (75) percent of the membership must be residents of the neighborhood or section of the subdivision in which the ~~recreational facilities~~swimming pool is to be located.
- B. The area to be used for the swimming pool facilities ~~recreational purposes is of sufficient size to accommodate all proposed facilities, together with includes~~ off-street parking; when required by the planning commission, of sufficient size to satisfy the needs of the area and still maintain a landscaped area front yard of not less than thirty (30) feet and a landscaped side yard on both sides and rear of not less than ten (10) feet on all sides. ~~Parking shall not be permitted in the front or street side yard setbacks.~~
- C. The swimming pool area ~~to be developed into a recreational~~ must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping

with the design of the neighborhood in which the ~~recreational area~~ swimming pool is to be situated.

~~D. A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than six feet, the fence across the front of the property to be constructed no nearer to the front property line than the required front setback.~~

~~E.D.~~ Electrical.

a.—~~1. Overhead Conductor Clearances. No overhead electrical conductors are permitted. The following parts of swimming pools shall not be placed under existing service drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:~~

b.—~~Swimming pool and the area extending ten (10) feet horizontally from the inside of the walls of the pool;~~

c.—~~Diving structures; or~~

~~d.a. Observation stands, towers and platforms.~~

2. Underground Conductor Clearances.

a. Distribution Lines Over Six Hundred (600) Volts. There shall be a minimum ten (10) feet horizontal separation between the closest edge of pool and lines distributing over six hundred (600) volts of electricity.

b. Service Lines Under Six Hundred (600) Volts. There shall be a minimum five feet horizontal separation between the closest edge of the pool and service lines carrying fewer than six hundred (600) volts of electricity.

~~F.E.~~ Under no condition can any charge be made for the use of any of the swimming pool facilities ~~in the recreational area unless specifically authorized by the planning commission.~~ Notwithstanding, the owners shall share the cost of the facility's facilities' operations and maintenance.

~~G.F.~~ Under no condition shall any type of retail or business facilities, including vending machines Unless approved as part of the Pplanned Unit Ddevelopment, no retail or business facilities shall be permitted in the recreational swimming pool area, except those specifically approved by the planning commission.

~~H.G.~~ Club houses or any type of night-time indoor facilities will not be permitted in connection with ~~such recreational and~~ swimming pool facilities except as specifically approved as part of the Pplanned Unit Ddevelopment.

~~I.~~ Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the planning commission. In addition, a detailed outline showing how the area is to be financed and maintained shall be submitted. The planning commission may require a bond by the owners to guarantee compliance with the conditions upon which the area is approved. Failure to comply with any of these conditions shall render null and void the commission's authorization of the facility.

The planning commission shall notify owners of all abutting properties, and present the proposal at a public meeting, after which the commission shall recommend approval or disapproval of the application.

The planning commission will have the authority to place whatever additional conditions or restrictions, including a bond, which it may deem necessary to protect the character of the district and to insure the proper development and maintenance of such a recreational area. These conditions may include requiring that plans be approved which set forth the disposition or re-use of the property if the recreational area is abandoned by the developers or is not maintained in the manner agreed upon.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 420-20 was duly
passed and published, or posted at three public places within the municipality
on January 8, 2020 which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

Cathy Brightwell

Cathy Brightwell, City Recorder

DATE: 1 / 8 / 2020