

Swimming Pools / Interactive Water Features

City Council, April 17, 2018

Planning Department

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Current (10)

30-8-10.3 Recreational Uses

A. Amusement or Water Parks, Fairgrounds

1. The park or fairground must be at least 5 acres in area.
2. Principal buildings or structures must be set back at least 50 feet from any lot line.
3. Amusement equipment, machinery, and mechanical devices may not be operated within 200 feet of any residentially or PT zoned property.
4. A security fence at least 8 feet in height must be provided around the boundary of park activities (see 30-9-4).

B. Clubs or Lodges

1. **Operations**
Clubs or lodges may not be open after 12:00 midnight when located adjacent to residentially zoned property.

2. Access

- a. Except in the TN district, all clubs or lodges must have primary access to a thoroughfare or collector street.

b. TN Districts

(see 30-7-7.3)

(Amended by Ord. 13-101 on 7/24/13)

C. Golf Courses, Driving Ranges, Country Clubs

1. Setbacks

Clubhouses, maintenance facilities, and other buildings, swimming pools, and lighted tennis courts must be set back at least 50 feet from any abutting residentially zoned property.

2. Minimum Dimensions

The site must be at least 2 acres in area in addition to any golf course areas.

a. Area for Country Club with Golf Course

Trees must have at least 1,000 feet to the end of any open-air driving area. The Planning Director may reduce this requirement if the end of the driving area is controlled by netting or other measures to control golf balls.

3. Fencing

Fencing, netting, trees, berms, or other control measures must be provided around the perimeter of the driving area to prevent golf balls from leaving the property.

D. Outdoor Recreation

Where the use involves flying objects that may be a hazard to adjacent areas or property (such as batting cages or driving ranges), the Planning Director may require that fencing, netting, or other control measures must be provided around the perimeter of the area or property to prevent balls from leaving the designated area. In cases where fencing is required, the applicant may be required to submit a plan showing fencing locations.

E. Parks and Open Areas

1. Parking and Access

- a. Unless located in the TN district, all facilities greater than 10 acres must take primary access from a thoroughfare or collector street. This requirement may be waived with the approval of a Type 2 Modification (see 30-4-11, Modifications).

b. This site also must show all existing facilities, easements, and any other details. All easements must be shown.

30-8-11.1 Accessory Uses and Structures (Customary)

A. Size and Proportion

1. The sum of all accessory uses may not exceed 30% of the principal use's gross sales, volume, floor area, land area, or any other appropriate measure of usage as determined by the Planning Director.
2. An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.
3. In R districts, the maximum building coverage of all accessory structures may not exceed 50% of the building coverage of the principal structure on the lot or 600 square feet, whichever is greater.

B. Street Setbacks

1. Single-family Development

Accessory structures must be located behind the front building line of the principal structure, and are not allowed in a required street setback.

2. Multi-family Development

Clubhouses, rental or administrative offices, and mailbox kiosks or shelters may be located in front of the front building line of the principal structure, but are not to be allowed in a required street setback. All other accessory structures must be located behind the front structure line of the principal structures.

3. Nonresidential Development

Accessory structures may be located in front of the principal structures but are not allowed in a required street setback.

C. Interior Setbacks

1. Setback from Alleys

When accessory garages are located along an alley, the structure must be set back at least 10 feet from the alley right of way, and provide an area sufficient for at least one off-street parking space. This requirement may be reduced to 3 feet by the Planning Director with the approval of a Type 1 Modification (see 30-4-11, Modifications) if the applicant can demonstrate that alternative provisions (such as a parking area to the side of the garage) will prevent traffic obstruction in the alley.

2. Residential Districts

Accessory structures must be set back at least 3 feet from side and rear lot lines. In the R districts, this setback must be increased to 10 feet for accessory structures over 15 feet tall.

3. All Other Districts

30-8-11.9 Swimming Pools

- A. Swimming pools with water depth under 24 inches and surface areas under 100 square feet are exempt from these requirements.

B. Swimming Pool Enclosures

Pools must be protected by a fence (or equal enclosure such as a wall or continuous hedge), a minimum 4 feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

C. Private Residential Pools

Private swimming pools (as well as the decking and equipment associated with the pool) that are located on single-family, duplex, and multi-family lots that are less than one acre in area must be located behind the principal structure (when viewed from a road or street). On lots that are one acre or larger, the pool may be located in front of the principal structure, but not in a required street setback. In no case may a pool be located closer than 5 feet to any property line.

D. Outdoor Community Pools or Pools in Multi-family Complexes

Swimming pools (as well as decking and equipment associated with the pool) must be set back at least 50 feet from any abutting residentially zoned property.

- i. Active recreation facilities must be set back 50 feet from adjacent land used for single-family residential purposes.

- j. All electric, communications, water, and sewer utility lines must be installed underground.

- k. Building setbacks must safely accommodate vehicular movements on private drives, private driveways and pedestrian movements on sidewalks. Buildings must also be setback from the travelway and sidewalk in a manner that accommodates parking. The required building setbacks are as follows:

- i. When a sidewalk is not provided along a private drive or private driveway, and the garage is front-loaded, the garage door must be set back at least 20 feet from the back of curb or, if no curb and gutter is provided, from the edge of the travelway.

- ii. When a sidewalk is provided along a private drive or private driveway, and the garage is front-loaded, the garage door must be set back at least 24 feet from the back of curb or, if no curb and gutter is provided, from the edge of the travelway.

- iii. Except as provided in (i) and (ii) above, or stated elsewhere in this ordinance, buildings must be set back from private drives, private driveways and parking lots by a distance of at least 10 feet, as measured from the back of curb or, if no curb and gutter is provided, from the edge of the pavement.

- I. The Technical Review Committee is authorized to approve Type 2 Modifications of the standards of this section in accordance with 30-4-11.

Swimming Pool

A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches designed, used, and maintained for swimming and bathing.

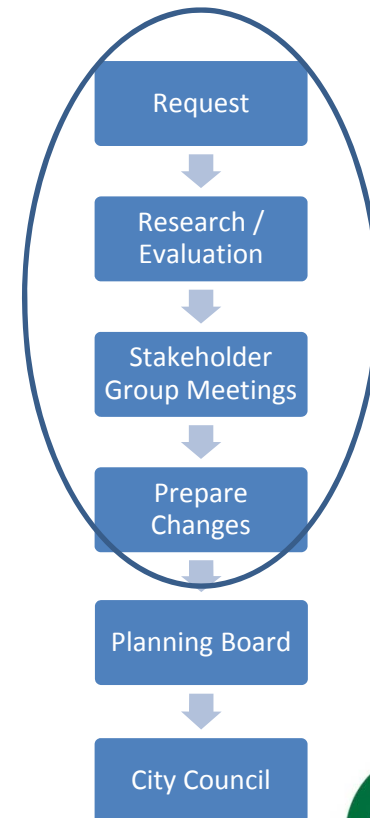


Process

Initial Proposal - Staff received the request for multifamily pools, conducted research of other jurisdictions, evaluated other sections of the LDO and then formulated draft language

Stakeholder Groups - Having a draft to work with, staff met with a stakeholders group, which include TREBIC, developers, contractors and realtors. During the meeting, several changes were proposed and incorporated

Draft Proposal - Staff prepared a draft ordinance base on all of the in input and information gather from the previous steps



Others

Swimming Pool Ordinances – Comparable Cities

City	Swimming Pools (Specific Use Section)	Single Family Residential Pools	Multifamily Residential Pools	Outdoor Recreation	Hotel/Motel
Winston-Salem	5' rear setbacks, principal side and rear setbacks apply	See swimming pool section	See swimming pool section	40' separation from any property line adjacent to residentially zoned property	See swimming pool section
High Point	Refers to state building code and accessory structures section	5' side and rear setbacks; 10' rear setback for through, reverse frontage, and alley lots	50' separation from any lot line abutting a residential district	50' separation from any lot line abutting a residential district	See swimming pool section
Raleigh	None	5' or 10' side and rear setbacks, depending on zoning district	Special use permit required for pools more than 65' in dimension or 4,000 sq. ft in area	None	None
Durham	100' separation from any property line adjacent to single-family residential district or use; music restriction; state building code reference	Not permitted between the street and the principal structure unless located behind the principal structure; must be 5' from property lines	See swimming pool section	See swimming pool section	Swimming pools cannot be located along the side of the property adjacent to a residential district or use
Charlotte	None	3' rear setback, principal side setbacks apply	See outdoor recreation section	20' separation from lots in same development; 100' separation and buffer from abutting lots that are residentially zoned or used	See outdoor recreation section
Wilmington	In-ground or above-ground pools may not be more than 12 inches above grade at any point; 4' fence requirement	Side and rear yard location only, 10' rear setback and lesser of 10' or side yard setback	See swimming pool section	See swimming pool section	See swimming pool section

Source: City Ordinances, February 2018



Stakeholder Group

Pool Meeting Comments:	Explanation / Result
Staff Comments:	
Include IWF decking and equipment	No Change
Update so reference is to fencing instead of enclosure	Changed to fencing
Clarify pool definition so that all under 100 SF are exempt	Definition revised
11/27/18 11AM Stakeholders Meeting:	
Address rooftop pools / Vertical	Revised language so same as building
Clarify what the 24" depth is not just water	Definition revised
Clarify whether setback is to accessory dwelling unit (principal vs. accessory)	Changed to reference principal
Clarify that setback is measured to the building that contains the dwelling unit	Revised wording
Address impact of neighbor adding (or being able to add) a residential unit within the setback	Non-conforming, no change to be made at this time (Modification/Variance)
Address impact of neighbor rezoning property to residential	Non-conforming, no change to be made at this time (Modification/Variance)
11/28/18 2PM Stakeholder Meeting:	
Address impact of neighbor rezoning property to residential	See above
Address impact of neighbor adding (or being able to add) a residential unit within the setback	See above
What does Guilford County Do?	50' / If zoned and used for single family
Is waterfall part of single-family pool?	Not part of pool
Impact on previous approved pools?	Several test cases determined no impact, if so non-conformity can be handled as modification/variance
Why 50 feet?	Establish with UDO
How do you treat a mixed-use building?	As building with a residential unit



Swimming Pools / Interactive Water Features

Definition, Swimming Pool

Any structure intended for swimming or recreational bathing that is designed to contain water over 24 inches deep. This includes any 100 square feet and larger in-ground, above-ground, and on-ground swimming pools, hot tubs and spas



Swimming Pools / Interactive Water Features

Definition, Interactive Water Feature

An interactive device or structure such as a water fountain, water spray, dancing water jet, waterfall, dumping bucket, or shooting water cannon through which water is directed to the user



Swimming Pools / Interactive Water Features

Consistent Wording

....(Including decking)

..... must be set back at least 50 feet from any *abutting*

Enclosure Vs. “Fencing”

Comprehensive Section

30-8-11.9, Swimming Pools and Interactive Water Features

Fencing

Building Code



Swimming Pools / Interactive Water Features

Standards – Single Family / Two Family

Setback (5')

Separation based on size (5'/10')

Measured from water



Swimming Pools / Interactive Water Features

Standards – Multifamily

20' perimeter setback / 5' separation

Includes decking and equipment

Measured to a building containing a residential use on an abutting property (50')

Type 2 modification (TRC)



Swimming Pools / Interactive Water Features

Standards – Nonresidential

Building setback

**Measured to any abutting
residentially zoned property
(50')**

Rooftop / Integrated

**If part of building – Observe the
minimum setbacks and
maximum height of that building**



Public Hearing Process

Planning Board Hearing
& Recommendation
March 21st



City Council Hearing &
Action
April 17th



Planning Board

March 21, 2018

Recommended Approval

Vote: 9 - 0



City Council

**Hold a public hearing to receive
public comments**

**Consider adoption of the text
amendment**



QUESTIONS?

