



Memorandum

To: Planning Commission
From: Niall Connolly, Principal Planner
Date: April 11th 2025
Re: Setbacks for Swimming Pools

Background

At the February 5th work meeting, the Planning Commission discussed ways to potentially clarify how setbacks apply to swimming pools. Then on March 5th, the Commission reviewed draft ordinance language which staff had prepared based on the direction received at the February work meeting. This ordinance language has been refined further, and is now presented to the Planning Commission at this public hearing.

The latest changes can be summarized as follows:

- The previous draft included an option that would regulate setbacks based on the depth of excavation required for the pool. This option has been removed. During the work meeting discussion, the Commissioners noted that the concern they wished to address by this requirement was primarily an engineering one, relating to slope stability. The Commission preferred that this issue be addressed separately, by a potential revision to the grading ordinance. The staff are consulting with the Town Engineer on this topic, and plan to bring this item to a future work meeting for discussion.
- This draft clarifies that the setback is measured from the water's edge, and does not include pool coping or pool decks.
- The latest draft amends subpoint B, to clarify that if the conservation easement or common area buffer is less than five feet wide, then a pool still needs to be at least five feet setback from the neighboring property line.
- Subpoint C is amended to replace the word "located" with "constructed". The aim of this change is to regulate new pools, but not place restrictions on properties neighboring a pool. As previously drafted, an existing pool could potentially limit a neighbors property development potential, because it imposes a setback from a pool. As now drafted, the regulation only applies to the construction of new pools.
- The latest draft adds subpoint F, which requires that pools must not drain onto neighboring property.

Planning Commission Action

The Planning Commission should review the draft ordinance language and determine whether or not it achieves the intended aims, and if it supports the vision of the General Plan. The Commission may wish to refer to the following sections of the General Plan:

Land Use and Town Appearance: Sub Goal F - Protect Residential Neighborhoods from the Impacts of Commercial Development

1. The Planning Commission will require enhanced screening and buffering on commercial properties adjacent to residential uses as a condition of development approval for new commercial development.
2. The Town Council will develop policies and ordinances to ensure residential areas will enjoy peace and privacy as commercial properties are developed, and to mitigate the impact of existing commercial uses (noise, traffic, lighting, etc.) on residential areas.
3. The Planning Commission will consider increasing the setback distances required for commercial uses that could have detrimental impacts of noise or loss of privacy on adjacent residential properties.

The Commission should make a recommendation to the Town Council on the basis of its deliberations. The Commission may wish to use the following sample motion language:

*The Planning Commission recommends **approval/ denial** of the proposed changes to Chapter 10-20 of the Springdale Town Code regarding setbacks for swimming pools, as discussed in the Commission's meeting on April 16th, 2025. This motion is based on the following findings:*

[LIST FINDINGS]

10-20-16: SWIMMING POOLS:

The following standards apply to swimming pools and hot tubs:

- A. No swimming pool, hot tub or spa may be located closer than five feet to any property line. This distance is measured from the water's edge and does not include pool coping or pool decks.
- B. The five foot setback referred to in 10-20-16(A) does not apply to lots which are part of a planned development subdivision that are surrounded on all sides by a conservation easement or common area, provided that there is at least five feet horizontal distance between a pool and the neighboring property line.
- C. A swimming pool, hot tub or spa may be constructed no closer than fifteen feet from a residential dwelling on an adjacent property.
- D. If a swimming pool, hot tub or spa is located closer than ten feet from a public street, private street, or private lane easement, it must be enclosed by a fence at least four feet in height. In the case of historic accesses, a fence is required if the pool is located less than ten feet from the nearest edge of the historic access.
- E. Swimming pool and hot tub lighting must comply with Chapter 15-C of this Title.
- F. Pools and pool decks must be designed, operated, and maintained such that no swimming pool water drains or empties onto neighboring property.