

ORDINANCE NO. 780

AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS.”

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that the clarification of certain sections in the Zoning Code will lead to a clearer understanding of the Code’s requirements; and

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that a more uniform and consistent wording in the language contained within certain sections in the Zoning Code will aide in making the Zoning Code more navigable and lead to more consistent interpretation of the requirements; and

WHEREAS, the Planning & Zoning Commission recommends to the City Council of the City of West Branch, adoption of these amendment recommendations in the Zoning code; and

WHEREAS, the City Council of the City of West Branch, Iowa has reviewed these recommendations and concurs with the Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 “ZONING REGULATIONS” of the Code of West Branch, Iowa is hereby amended by revising the following subsections to Chapter 165.

165.50 – Amend Chapter 165 by adding section 50: SWIMMING POOLS

165.50 SWIMMING POOLS

165.50 – DEFINITIONS:

1. “Permanent” is defined as a pool that is installed or left up year round and winterized for continued use.
2. “Temporary” is defined as a pool that is taken down or dismantled during the winter months. Temporary pools with a depth of twenty four (24) inches or less are exempt from this sub-section.

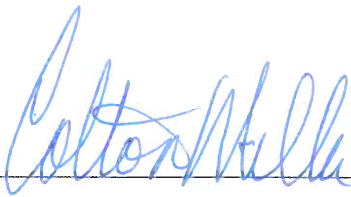
Swimming pools intended for private use by persons that reside on the property or their guests are permitted, provided the following conditions are met:

1. Setbacks: (for temporary and permanent pools)
 - a. Residential zones
 - i. The use must be set back a minimum of ten (10) feet from any side or rear lot line.
 - ii. The use may not be located in the front yard unless the use is set back at least forty (40) feet from the front property line.


- b. Non-residential zones
 - i. In non-residential zones, the use must be set back a minimum of ten (10) feet from any side, rear, or front property line, unless the property on which the use is located is directly abutting or across the street from a property zoned residential. In the case of such an adjacency, the use must comply with the setback requirements for residential zones
- 2. Permit Required
 - a. Permanent (in-ground) pools with a depth of twenty four (24) inches or more, require a permit.
- 3. Fence Requirement (for permanent pools only). Swimming pools with a depth of twenty four (24) inches or more and the edge of which is less than four (4) feet above grade, must be completely enclosed by a fence according to the following specifications:
 - a. The fence must be at least four (4) feet in height and must be constructed so that a sphere, five (5) inches in diameter, cannot pass through the fence.
 - b. A principal or accessory building may be used as part of the enclosure.
 - c. All gates and doors opening through the enclosure must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in use, except the door of any building which forms a part of the enclosure need not be so equipped.
 - d. The building official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by an enclosure built to the specifications of this paragraph.

Passed and approved this 15th day of March, 2021.

First Reading: February 16, 2021
Second Reading: March 1, 2021
Third Reading: March 15, 2021



Colton Miller, Mayor Pro Tem

Attest:


Leslie Brick, Deputy Clerk