

STAFF REPORT  
September 25, 2008

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**No. 08OA009 - Ordinance Amendment to Amend Section 17.50.320(A) Swimming Pools of the Rapid City Municipal Code** **ITEM 12**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	N/A
REQUEST	<b>No. 08OA009 - Ordinance Amendment to Amend Section 17.50.320(A) Swimming Pools of the Rapid City Municipal Code</b>
DATE OF APPLICATION	8/29/2008
REVIEWED BY	Monica Heller / Not Assigned

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to Amend Section 17.50.320(A) Swimming Pools of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: The City received a request to amend the Zoning Ordinance to allow pools or open tanks to be equipped with a lockable cover instead of requiring the pool or open tank to be walled or fenced. Currently, any pool or open tank capable of containing water to a depth at any point greater than 1.5 feet must be enclosed by a wall or fence not less than 5 feet in height. On August 28, 2008, the Planning Commission directed staff to prepare an Ordinance Amendment to allow pools or open tanks to be equipped with a lockable cover instead of enclosed by a wall or fence.

STAFF REVIEW: Staff has reviewed the request to amend Chapter 17.50.320(A) of the Rapid City Municipal Code to allow pools or open tanks to be equipped with a lockable cover instead of enclosed by a wall or fence and recommend approval. Staff recommends that the Ordinance Amendment to Chapter 17.50.320(A) to add allow lockable covers on pools or open tanks in lieu of a fence be approved as follows:.

**17.50.320 (A) Swimming Pools -**

- A. A private swimming pool shall be any pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1½ feet. Private swimming pools are permitted in any residential district provided:
1. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located and their guests;
  2. No swimming pool or part thereof, excluding aprons, walks and equipment rooms, shall protrude into any required front or side yard;

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3. The swimming pool area shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties or the pool or open tank shall be equipped with an ASTM International (American Society for Testing and Materials) tested lockable cover. ~~The~~ A fence or wall preventing access to the pool or open tank shall be not less than 5 feet in height and maintained in good condition.