

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: July 22, 2010**

SUBJECT: Zoning Ordinance Amendment (ZOA10-003) Pool fence height.

SUBMITTING DEPARTMENT: Community Development Department

PREPARED BY: Joe Scott, Planner for Richard T. Parker, Community Development Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Ordinance No. 750

SUMMARY/BACKGROUND: Council is being asked to consider a request by Town Staff for a Zoning Ordinance Amendment (ZOA10-003) regarding the height of pool enclosure fencing. The Town adopted its first swimming pool regulations in Ordinance No. 9 back in 1979. These regulations required that all pools located within six hundred (600) feet of a neighbor be enclosed by a six (6) foot high solid wall or chain link fence. Subsequently, Ordinance No. 37 in 1980 added a requirement of a self-latching gate and established setbacks from the water's edge to the barrier and from the property line. Over time, Town staff has routinely applied State standards for swimming pool barriers found in Arizona Revised Statute §36-1681. On March 24, 2005 the Town Council approved Ordinance No. 619 adopting more comprehensive swimming pool safety regulations along the lines of the state provisions amending Sections 13-02-010 "Definitions" and 13-21-100 "Swimming Pool Safety" of the Town Code. Town Code Subsection 13-21-100(B)(1) presently requires swimming pools to be entirely enclosed by a wall, fence or barrier not less than six (6) feet in height. A.R.S. §36-1681(B)(1) requires a pool enclosure to be at least five (5) feet in height. It is now the intent to make the Town Code requirement for pool enclosure height requirements consistent with A.R.S. §36-1681. The Planning and Zoning Commission reviewed this item during regular session on June 14, 2010 and voted to approve ZOA10-003 and forward to Town Council. Council is now being asked to approve same.

OPTIONS ANALYSIS: The Town Council may approve this Zoning Ordinance Amendment, direct staff to address additional concerns prior to approval, or decline to approve this Zoning Ordinance Amendment.

ACTION OPTION: Motion to read Ordinance No. 750 by title only on two separate occasions, and then place the same on final passage, **OR** Motion not to read Ordinance No. 750. **VOTE.**

[if the vote is in favor of reading Ordinance No. 750, the Mayor asks the Town Clerk to read the Ordinance once by title only for the first reading]. **VOTE.**

RECOMMENDATION: Staff recommends approval of Zoning Ordinance Amendment ZOA10-003.

FISCAL ANALYSIS: There is no direct fiscal analysis associated with this request.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____