

## **Chapter 1.23 Supplementary Regulations**

1.23.005 Swimming Pools

1.23.010 Flag Poles and Flags

1.23.015 Planning Commission Determination for uses not listed

### **1.23.005 Swimming Pools.**

Private swimming pools shall be allowed provided they can meet the following standards and a building permit has been issued:

(1) Pools shall be located no closer than thirty (30) feet to any dwelling on an adjoining lot or property and not closer than ten (10) feet to any property line.

(2) Pool areas shall be secured by a six-foot fence with self-closing and self-latching gates. Jacuzzis, spas, hot tubs, whirlpools may use a hard cover supplied by the manufacturer or a fence as noted above.

(3) For the purpose of this section, "pools" shall include jacuzzis, spas, hot tubs, whirlpools, and any above or below ground swimming pools which exceed 24 inches in depth or 100 square feet in area.

### **1.23.010 Flag Poles and Flags.**

A) The maximum height of a flag pole shall not exceed the maximum height allowed for any structure in residential zones where the pole and flag will be located; however, poles that would exceed the allowed height must be approved by the Land Use Authority Board; and, that a conditional use permit may be granted for a flag pole displaying only the United States flag up to a maximum height of one hundred twenty feet (120') in nonresidential zones.

B) A flag pole shall not be located in such a manner as to cause a safety hazard. No pole or flag shall extend beyond the property line of the lot on which the flag pole is located.

C) The application for a conditional use permit authorized by subsection A above shall include a plan showing the location, height, material, and mounting specifications of the pole or poles.

### **1.23.015 Planning Commission determination for uses not listed.**

Determination may be made by the Planning Commission as to the classification of uses not listed and to which use category within the chapters of this title such uses may fit when determining a permitted use, conditional use, or uses not permitted within a zoning district. If such a determination cannot be made, the Planning Commission shall recommend such matters to the City Council.

(1) A written request for such a determination shall be filed with the Planning Commission following the guidelines of chapter 1.05 of this Title. The request shall include a detailed description of the proposed use and such other information as may be required.

(2) The Planning Commission shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those uses specifically listed in this Title, and shall make a determination of its classification based on their findings. If the Planning Commission cannot make a determination as to where the classification of use fits, the issue will then be recommended to the City Council for review and determination if an amendment to the chapter is necessary to create the particular use.

(3) The determination shall state the zone classifications in which the proposed use will be permitted or conditional, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone classification.

(4) The determination and all information pertaining to the use shall be filed and become permanent public record. Such use shall become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use named in the regulations for the zone classification.

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