

# City of Blaine

Ordinance: ORD 22-2498

## Second Reading

### Granting Amendments to 25.02 - Definitions and 33.11 - Permitted Encroachments - Yards of the Zoning Code Related to Setbacks for Pools and Patios and Amendments to Chapter 18, Article IX - Swimming Pools of the Code of Ordinances. City of Blaine (Case File No. 22-0005/EES)

**THE CITY OF BLAINE DOES ORDAIN:** (Added portions are underscored and deleted portions are shown in overstrike.)

#### Blaine Code of Ordinances Chapter 18 ARTICLE IX. SWIMMING POOLS DIVISION 1. GENERALLY

##### **Sec. 18-381. Definitions.**

*Private residential swimming pool* means a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control

*Swimming pool or pool* means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

*Pool deck surround* means an area immediately adjacent to or attached to a pool or spa that is specifically constructed or installed for sitting, standing, or walking.

*Pool platform* means a raised platform similar to a deck, surrounding an above ground pool

##### **Sec. 18-382. Variances.**

A variance to the provision of the Article may be issued by the City Council to provide relief to the land owner in those cases where the ordinance imposes practical difficulty on the property owner in the use of their land. Section 27.06 of the Blaine Zoning Code shall apply to any variances from this Article. ~~Any proposed deviations from these standards and requirements shall require a variance from the council in accordance with city ordinances.~~

##### **Sec. 18-384. Supervision.**

Every swimming pool shall be under the supervision of a capable individual who shall assume the responsibility for compliance with all parts of this article relating to pool

operation

and maintenance and safety of the occupants of the pool. Above-ground pools with a removable means of entry consisting of ladders, staircases, or ladder and staircase

combinations, which do not require a building permit and not protected by a barrier/fence in

accordance with Sec. 18-424, must have the means of entry removed when the swimming

pool is not under supervision.

### *DIVISION 3. DESIGN AND CONSTRUCTION STANDARDS*

#### **Sec. 18-421. Location.**

*(b) Restrictions in all districts in which pools and fences are permitted.*

1. Pools shall not be located within ten feet of any side or any rear lot line,  
nor  
within six feet of any principal structure or frost footing, unless part of the  
principal structure. Pools shall not be located within the required front  
yard but  
are permitted in the corner side yard provided the corner side yard house  
setback is met.
2. All pool deck surrounds, adjacent patios/aprons, or other similar areas,  
other  
than pool platforms, used in conjunction with the swimming pool, shall be  
located  
not closer than five ~~ten~~ feet to any adjacent property owner's lot line. Pool  
platforms shall be located not closer than ten feet to any adjacent  
property  
owner's lot line.
3. The filter unit, pump, heating unit, and other noise-making mechanical  
equipment shall be located no closer than ten feet to any lot line and  
located in  
the rear yard.

#### **Sec. 18-423. Interference with rights of others; noise.**

No swimming pools shall be so located, designed, operated or maintained as to  
interfere

unduly with the property rights of others. It shall be unlawful for any person to make,  
continue to

cause to be made or continued in any swimming pool, any loud or unusual noise or  
any noise

which annoys, disturbs, injures, or endangers the comfort, repose, peace or safety of  
others.

The use, or permitting the use of or operation of radios ~~receiving sets~~, musical  
instruments,

audio speakers ~~phonographs~~ or other machine or device for the producing or  
reproducing of

sound in such volume as to disturb the peace, quiet, comfort, or repose of adjacent

property  
owners shall not be permitted.

**Sec. 18-424. Standards for pool barriers.**

(d) Installed pool barriers should be at least 48 inches high from finished ground level, as measured along the outside of the barrier, and should have no more than a two-inch gap from the bottom of the barrier to the ground. Such height shall exist around the entire perimeter for a distance of three feet where measured horizontally from the required barrier. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

(j) The pool side of the a parallel barrier shall not be less than 20 inches from the water's edge.

(l) A pool structure wall, itself, can serve as a barrier if the wall is at least four feet above grade. If a barrier is mounted to the top of the pool structure, the barrier must be installed in accordance with the manufacturer's instructions. Above-ground pools shall have a means of entry and exit consisting of one ladder, staircase, or a ladder and staircase combination that must remain in place when the pool has water. The All entry

points such as a ladder or steps shall be surrounded by a barrier.

(n) No person owning or operating an outdoor swimming pool permitted under section 18-401 shall use, operate, or allow the use of such swimming pool unless such pool complies with the provisions of this section. The required safety barrier/fencing shall be completely installed with installation of the pool.

**Blaine Zoning Ordinance**

**25.02 Definitions**

Pool Deck Surround: An area immediately adjacent to or attached to a pool or spa that is specifically constructed or installed for sitting, standing, or walking.

Pool Platform: a raised platform similar to a deck, surrounding an above ground pool

**33.11 Permitted encroachments-yards.**

For the purpose of this ordinance, the following shall be considered as permitted

encroachments within the yards indicated:

- (a) Decks 30 inches or greater in height and/or attached to the home; patios;  
balconies;  
open terraces; marques; flues; sills; lintels; pilasters; cornices; gutters; open  
canopies;  
open porches not enclosed by walls, screens, windows, or doors; and awnings;  
are  
permitted to encroach by up to 25% of the required setbacks in the front, side,  
and rear  
yard.
- (c) Unenclosed gazebos, covered shelters, pools, and pool platforms ~~patios~~ located  
in the  
rear yard are permitted with a minimum 10 foot setback from the side and rear  
lot lines.  
Any portion of a pool platform greater than ten feet in distance from the pool  
shall be  
regulated as a deck under 33.11 (a) rather than as a pool platform.
- (d) Recreation equipment, picnic tables, arbors, trellises, pergolas, outdoor living  
rooms,  
outdoor eating facilities, patios, pool deck surrounds and aprons, detached  
decks less  
than 30 inches in height and laundry drying equipment are permitted in the rear  
yard  
with a minimum 5 foot setback from the side and rear lot lines.

**INTRODUCED** and read in full this 7th day of March, 2022.

**PASSED** by the City Council of the City of Blaine this 21st day of March, 2022.