

FILED

NOV 22 2021

CASE #2021-042
RESOLUTION NUMBER 3-1

Don J. Tracy
Sangamon County Clerk

TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
AMENDING CHAPTER 17.46 OF THE SANGAMON COUNTY ZONING ORDINANCE
RELATED TO SWIMMING POOLS

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statues 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

WHEREAS, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

WHEREAS, it is desirable to amend Chapter 17.46 of the Sangamon County Zoning Ordinance to include regulations related to swimming pools; and

WHEREAS, the Zoning and Land Use Committee of the Sangamon County Board has reviewed the text amendment proposed in Exhibit A, and recommends approval; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on November 18, 2021 in order to seek public comment on the draft revision of the Zoning Ordinance; and

WHEREAS, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendment to the Sangamon County Zoning Ordinance as Exhibit A attached hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Sangamon County, Illinois, in session assembled this 14th day of December, 2021 that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of December, 2021.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Chapter 17.46 Swimming Pools

17.46.010 Placement; Lighting; Enclosure

17.46.010 Placement; Lighting; Enclosure

~~Swimming pools and appurtenant equipment shall not extend into the required front yard and side yards. Rear yards shall be required which comply with accessory structure provisions provided for in Chapter 17.36. When a swimming pool is considered the principal structure or use on a tract of land, the setback, side and rear yard provisions shall be required as set forth for principal structures provided for in this title. Lights used to illuminate swimming pools shall be so arranged as to reflect light away from adjoining premises and away from the vision of passing motorists. In the ground swimming pools shall be enclosed with approved fencing with self-closing gates which are to be kept locked when the pool is not in use. Such fencing shall be at least four (4) feet in height above the surrounding grade level and shall be constructed in accord with the fencing provisions of this title. Above the ground swimming pools shall be either fenced in the same manner as in the ground swimming pools, or shall be equipped with removable ladders. Above the ground swimming pools with decks that do not have removable ladders or steps shall be equipped with locking gates or shall be fenced as required for in the ground swimming pools.~~

17.46.010 Definitions

For the purposes of this chapter:

Swimming Pool. A "Swimming Pool" is any artificial basin of water constructed or erected for wading or swimming.

17.46.020 Barrier Requirements

Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drown-ings by restricting access to swimming pools, spas and hot tubs.

- 1) The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

- 2) Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
- 3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
- 4) Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1³/₄ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1³/₄ inches (44 mm) in width.
- 5) Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1³/₄ inches (44 mm) in width.
- 6) Maximum mesh size for chain link fences shall be a 2 1/4 -inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1³/₄ inches (44 mm).
- 7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1³/₄ inches (44 mm).
- 8) Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm)
 - a) The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and,
 - b) The gate and barrier shall have no opening larger than 1/2. inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- 9) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - a) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
 - b) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - c) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item (a) or (b) described herein.
- 10) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - a) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - b) The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

17.46.030 Location and Setbacks

Swimming pools and appurtenant equipment shall not extend into the required front yard and side yards. Rear yards shall be required which comply with accessory structure provisions provided for in Chapter 17.36. When a swimming pool is considered the principal structure or use on a tract of land, the setback, side and rear yard provisions shall be required as set forth for principal structures provided for in this title.

17.46.040 Lighting

Lights used to illuminate swimming pools shall be so arranged as to reflect light away from adjoining premises and away from the vision of passing motorists.

(Res. 9, July 12, 1988; Res. 16a § 25, November 19, 1985; Res. 1-1 §3 (L), November 16, 1982)

RECAP
(For County Board Use)

DOCKET NUMBER: 2021-042

ADDRESS: N/A

PETITIONER: **Zoning and Land Use Committee**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)
Zoning and Land Use Committee)
)
)
)
)
)

DOCKET NO: **2021-042**

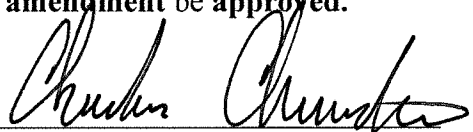
PROPERTY LOCATED AT:
N/A

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **November 18, 2021** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required findings of the Sangamon County Zoning Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be **approved**.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Charlie Chimento**, to concur with the findings and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Richard Thompson**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Phil Sidles, Richard Thompson, Don Wulf**

NO:

PRESENT:

ABSENT: **Tony Mares**


RECORDING SECRETARY