

ORDINANCE NO. 10-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT Z0A9-06 AMENDING CHAPTER 17.16.150(A)(2) ALLOWING HEATING AND FILTERING EQUIPMENT FOR SWIMMING POOLS CLOSER THAN TWENTY FEET TO ANY NEIGHBORING DWELLING WITH THE APPROVAL OF A CONDITIONAL USE PERMIT IN THE SINGLE FAMILY (R-1) ZONING DISTRICT (APPLICANT: CITY INITIATED)

WHEREAS, a Categorical Exemption, section 15305, has been prepared for the modification to Chapter 17.16.150, in accordance with the California Environmental Quality Act (CEQA) and the City's Environmental Review Procedures; and,

WHEREAS, the proposed Zoning Ordinance Amendment modifying, LAMC Section 17.16.150(A)(2), *Swimming pools*, ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code in that distance requirements in Section 17.16.150(A)(2) have been maintained, and any deviation from the distance requirement in Section 17.16.150(A)(2) shall require approval of a conditional use permit; and,

WHEREAS, that the proposed Zoning Ordinance Amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City because any adverse impacts to neighboring properties in placing pool filtering and heating equipment closer than 20 feet from a dwelling unit shall be reviewed under a conditional use permit process.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Council hereby approves Zoning Ordinance Amendment Z0A09-06 modifying Chapter 17.16.150(A)(2) as described in the Los Alamitos Municipal Code to require the approval of a conditional use permit to allow the placement of pool heating and filtering equipment closer than twenty (20) feet to any dwelling other than the owner's in the Single-family (R-1) Zoning District and finds as follows:

Chapter 17.16.150 Swimming pools.

A. Location.

1. *Swimming pools in the R-1 (single-family residential), R-2 (limited multiple-family residential) and R-3 (multiple-family residential) zoning districts shall be constructed on the rear one-half of the parcel or fifty (50) feet from the front property line, whichever is the less, or unless a different location is approved by the commission by conditional use permit. Swimming pools shall not be located closer than five feet from any rear, or side parcel line. On the street*

side of any corner parcel, where the rear parcel line abuts a side parcel line, the pool shall not be located closer than ten (10) feet from the side parcel line. The commission may reduce these requirements by fifty (50) percent on approval of a conditional use permit.

2. Filter and heating systems for pools shall not be located closer than twenty feet (20) feet to any dwelling other than the owner's unless the approval of a conditional use permit has been obtained.

B. Parcel Coverage. Pools shall not occupy more than forty (40) percent of the required rear setback. Coverage by a swimming pool shall not be considered in measuring maximum parcel coverage. Pools shall be completely enclosed by a fence at least five feet in height, and gates shall be self-closing and self-latching. (Ord. 688 § 1 (part), 2006)

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3: The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of February, 2010.

Marilynn M. Poe, Mayor

ATTEST:

Jeffrey L. Stewart, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Jeffrey L. Stewart, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 10-01 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of February, 2010 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of February, 2010, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Jeffrey L. Stewart, City Clerk