

8. UNIFIED DEVELOPMENT ORDINANCE AMENDMENT - Amendments to Chapter 18.390 of the Unified Development Ordinance for accessory uses to develop standards for the screening of pool filtering and heating equipment for permanent in-ground pools in residential districts
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**GENERAL COMMENT: This item was heard before the City Council on February 1, 2010, and remanded back to the Planning Commission to discuss an appropriate distance to require screening from adjacent properties.**

1. APPLICANT: The City of Overland Park is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of amendments to Chapter 18.390 of the Unified Development Ordinance (UDO) relating to accessory uses and buildings.
3. ANALYSIS: At the September 2, 2009, Community Development (CD) Committee meeting, the committee discussed the need to require screening of mechanical equipment for new in-ground swimming pools. Per the CD committee's recommendation, the staff has drafted changes to the UDO to address screening of equipment.

The proposed changes to the UDO will require property owners to screen all mechanical equipment associated with new in-ground pools from view. The ordinance has provided options of using landscaping, a solid fence, or an enclosure to meet these screening requirements. A previously installed privacy fence around the property would meet these requirements. The staff has added "and associated equipment" to the areas of accessory uses where swimming pools is written.

4. ORDINANCE REVIEW COMMITTEE: The staff met with the Ordinance Review Committee on January 5, 2010, to review the proposed changes for screening of mechanical equipment associated with new in-ground pools. The Ordinance Review Committee was in favor of the proposed changes; however, they have provided additional requirements. These changes include a provision to not require screening of mechanical equipment if the equipment is located twenty (20) feet from any side or rear property line. The Ordinance Review Committee also recommended that mechanical equipment for all types of pools be screened.
5. PLANNING COMMISSION RECOMMENDATION: At the January 11, 2010, Planning Commission meeting, the Planning Commission recommended approval by a vote of 8 to 2. The Planning Commission's recommendation was the changes proposed by staff which was directly taken from the CD Committee meeting.

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6. CITY COUNCIL REMAND: This item was heard by the City Council on February 1, 2010. At that discussion, the City Council was supportive of the Ordinance Review Committee's recommendation to only require screening where the equipment is visible from the street or located in a close proximity to adjoining property. The City Council questioned whether twenty (20) feet was an appropriate distance and asked the staff and Planning Commission to further review an appropriate distance.

Staff has included in the staff report maps of properties with pools in Overland Park showing both a twenty (20) feet and twenty-five (25) feet distance buffer. Staff is comfortable with the combination of ordinance changes from the CD Committee and Ordinance Review Committee's recommendations with screening required at a distance of less than twenty-five (25) feet. A standard R-1, Single-Family Residential District, lot has a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of a minimum of 7 feet (15 feet on the street side of corner lots).

Staff recommends approval to amendments to Chapter 18.390, as follows:

**R. Swimming Pools and associated equipment.**

**1. Setbacks:**

- a. Swimming pools and associated mechanical filtering equipment located in residential areas shall meet the setback for accessory buildings per Section 18.180.070.**

**2. Screening:**

- a. In residential districts, mechanical filtering equipment and heating equipment of new in-ground pools shall be screened from view, unless the equipment is located greater than twenty five (25) feet from any rear or side property line.**
- b. Any mechanical equipment visible from streets shall be screened.**
- c. An approved solid privacy fence at the property line shall be deemed as providing required screening.**
- d. Screening shall be any combination of landscaping, solid fence, or other enclosure. The screening shall be approved by the Director of Planning and Development Services, or his or her designee, prior to a permit being issued for the pool.**

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7. PLANNING COMMISSION RECOMMENDATION: At the February 22, 2010, Planning Commission meeting, the Planning Commission recommended approval by a vote of 10 to 0. The Planning Commission's recommendation was a combination of changes proposed by staff, the Ordinance Review Committee, and the Community Development Committee. The Planning Commission also recommended the use of a 25-foot setback instead of a 20-foot setback from rear or side property lines.