



OFFICE OF THE
MAYOR
CITY OF SOMERTON

Ordinance

No. 2021-004

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SOMERTON, AMENDING THE SOMERTON CITY CODE ARTICLE 2-7-1, CITY OF SOMERTON ZONING AND SUBDIVISION ORDINANCE, BY AMENDING SECTION 3.1.4 D. SCHOOLS; PUBLIC OR PRIVATE, BOARDING, COLLEGE OR UNIVERSITY BY REMOVING SUB-SECTIONS 3.1.4.D(2) AND 3.1.4.D(3) AND AMENDING SECTION 3.2.6 J. SWIMMING POOLS BY ADDING AN EXCEPTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Somerton City Council adopted Ordinance No. 2015-002, CITY OF SOMERTON ZONING AND SUBDIVISION ORDINANCE, and Article 2-7-1 on March 3, 2015; and,

WHEREAS, the City Council may from time to time consider changes to the Somerton Zoning and Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Somerton, Arizona as follows:

Section 1: That the Somerton City Code, Article 2-7-1, SOMERTON ZONING AND SUBDIVISION ORDINANCE will be amended by removing Sub-Sections 3.1.4.D(2) and 3.1.4.D(3) and shall read as follows:

D. Schools; public or private, boarding, college, or university

1. The facility shall meet fire code, building code and any other applicable regulations.
2. A separate Conditional Use Permit shall be required for any additional accessory uses customarily found in conjunction with schools, including classrooms, dormitories, stadiums, outdoor recreational lighting, and auditoriums which were not specifically described when the CUP was originally approved.
3. Schools shall comply with the outdoor lighting requirements established in Section 4.6 and may require a separate Conditional Use Permit; unless modified as part of the CUP process.

4. Schools shall comply with the building setback and building height requirements established by the zoning district for which the School is located; unless modified as part of the CUP process.
5. Schools shall comply with Landscaping and Screening requirements as specified in Section 4.4; unless modified as part of the CUP process.
6. Schools shall comply with all parking requirements specified in Section 4.3; unless modified as part of the CUP process.
7. Schools shall comply with all signage requirements specified in Section 4.5; unless modified as part of the CUP process.

Section 2: That the Somerton City Code, Article 2-7-1, SOMERTON ZONING AND SUBDIVISION ORDINANCE will be amended by inserting a new exception 3.2.6.J(iv) and shall read as follows:

J. Swimming Pools

1. General: Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier to restrict access to the swimming pool from public property, from adjacent private property and directly from all dwelling units or guest rooms located on the same premises as the swimming pool. These swimming pool enclosure and barrier detail requirements apply to all new swimming pools installed on or after the effective date of this Ordinance and to all additions, alterations, repairs or replacements made to existing swimming pool enclosures.

a) Exceptions:

i. Swimming pools built on single-family residential property on or before the effective date of this Ordinance need not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six (6) years of age or older. All other portions of the swimming pool enclosure shall be installed and maintained as required herein. This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restricting visiting children's direct access from the dwelling to the swimming pool.

This exception shall expire, and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever one (1) or more children under six (6) years of age become residents of the property.

ii. Above ground swimming pools which have non-climbable sides not less than forty-eight (48) inches high above the adjacent ground level may be located on single-family residential property without a fence or barrier between the pool and the dwelling provided any steps or ladder are either removable, without the use of tools, or are designed to be secured in an inaccessible position with a lock or latch located not less than fifty-four (54) inches above the adjacent ground level.

iii. The property owner and any other person in charge of a swimming pool shall ensure that the required swimming pool enclosure, including all gates, doors, locks, latches and other portions of the barrier are maintained safe and in good working order. No person shall alter or remove any

portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with this Section.

iv. An approved alarm system, continuously maintained at all points of ingress and egress to the dwelling unit and guest rooms may satisfy the barrier requirement from dwelling unit to pool whenever no children under the age of six (6) are permanent occupants of the property. It shall be the owner's responsibility to always maintain this alarm system fully functional. This exception does not eliminate the requirement to restrict access to the pool from public or adjacent private property using a permanent fence, wall, or barrier.

Section 3: Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances, codes, resolutions, or policy of the City of Somerton in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed, suspended, and replaced.

Section 4: Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason 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 thereof.

PASSED AND ADOPTED by the City Council of Somerton this 15 day of June 2021.



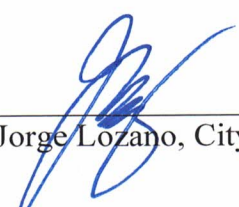
Gerardo Anaya, Mayor

ATTEST:

APPROVED AS TO FORM:



Andrea Moreno, Deputy City Clerk



Jorge Lozano, City Attorney