

**Proposed Amendment to the Mountain Lakes District Zoning Ordinance
for Public Hearing on December 10, 2020 at 6:30 p.m.**

Add the term "Pool" with the following definition to **Section 902 Terms & Use Definitions** and renumber remainder of section accordingly:

39. Pool: Any man-made structure and associated pump, filter, drain, and electrical equipment that is used for recreational or therapeutic bathing, swimming, diving, or other contact with the water such as by wading, splashing, tubing, or sliding. "Pool" shall include, but is not limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing courses.

Amend the definition of "Structure" in **Section 902 Terms & Use Definitions** by adding the language shown below in ***bold italics***:

52. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. ***Also includes Pools designed to contain water over 24 inches deep.***

Amend **Section 307 Accessory Uses** by adding provisions specific to pools under F.

Item F. now reads:

F. Home recreational activities, including tennis courts, swimming pools and the like.

As amended F. would read:

F. Home recreational activities, including tennis courts, pools and the like. The following provisions shall apply to pools:

1. Pools must be constructed, installed and maintained in compliance with New Hampshire's current State Building Code for Swimming Pools and Spas.
2. For the purposes of public safety, the proper functioning and maintenance of utilities and protection of the ground and surface water resources of the Mountain Lake District, pools must meet the greater of the setbacks contained in Table 302.1, any other applicable ordinance, regulation or building code of the state, and the following:

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|---|--|
| For all pools: | |
| a. Underground utilities or utility right-of-way, such as gas, water, electric, cable, internet, or telephone | 5 feet, measured horizontally from the base of the pool |
| b. Overhead electric lines | 10 feet, measured horizontally from the closest edge of the pool |
| For pools not within the footprint of the principal building or attached accessory building or attached deck: | |
| c. Dwelling or other primary building or structure | 15 feet |
| d. Accessory building or structure | 10 feet |
| e. Septic tank, distribution box, pumping chamber or similar structure and any sewer line between the dwelling and such structure | 10 feet |
| f. Septic system bed | 25 feet |
| g. Steep Slope District | 25 feet from the edge of the Steep Slope District |
| h. Wetlands | 75 feet |
| i. Streams, 2nd order or higher | 75 feet from ordinary high water mark |
| j. Upper Mountain Lake and Lower Mountain Lake | 75 feet from reference line |

3. Pools must be adequately screened from the street and abutting properties by the buildings on the lot, fencing, vegetation and/or other means approved by the Commissioners or designee.

4. Release of water from pools must be carried out in compliance with all applicable state and federal water quality regulations.

The following new provisions would be added to **Section 1001 Zoning Permit**:

- 1001.8 Seasonal structures, including, but not limited to, pools and docks, require a new zoning permit if removed for twelve months or longer, or if enlarged, relocated, or replaced with another structure which varies from the originally permitted structure in size, shape, material, or method of attachment.
- 1001.9 A zoning permit for an accessory structure shall not be granted prior to completion of the principal building on the lot.