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COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-25

By Bick Skoczen Sponsored By Mayor Cyril M. Klein

AN ORDINANCE

AMENDING SECTIONS 305.02(C) AND 309.05(I) OF THE ZONING CODE OF THE CITY OF BEREA, AS ADOPTED MAY 7, 2012, AND AS AMENDED THEREAFTER, TO MODIFY THE STANDARDS FOR SWIMMING POOLS AS RESIDENTIAL ACCESSORY USES.

WHEREAS, the Zoning Code of the City of Berea, Ohio, was enacted by Ordinance No. 2012-29 and adopted on May 7, 2012; and

WHEREAS, it is important to periodically review and appropriately amend the Zoning Code of the City of Berea to ensure that it serves the best interests of the City and its residents and businesses; and

WHEREAS, Section 201.04 (C) of the Zoning Code provides for swimming pools as an Accessory Use in residential districts; and

WHEREAS, certain lots, known commonly as double frontage lots because they have frontage on two non-intersecting streets, cannot meet the current zoning and building code requirements for placement of a swimming pool.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 305.02, Accessory of Use Standards, at subsection (C), which sets standards for accessory use location on a lot, which has heretofore read as follows:

(C) Accessory structures shall be located on the same parcel for which the principal structure is found and shall be in compliance with the following requirements:

- (1) In all residential districts, an accessory building shall not be located closer than five (5) feet to a rear or side lot line.
- (2) In all non-residential districts, an accessory building shall not be located closer than ten (10) feet to a rear or side lot line when abutting any residential use or residential zoning district. When an accessory use abuts a non-residential use or zoning district, there shall be no side yard or rear yard setback requirements for an eligible accessory use.
- (3) Swimming Pools. If approved by the Planning Commission, a swimming pool may be located in a side yard or front yard when located on an eligible peninsula lot bordered on three sides by dedicated public rights-of-way. Please refer to "Section 309.05(I) Private Residential Swimming Pools" for additional standards and application procedure.

shall be, and the same is hereby amended to, read as follows:

(C) Accessory structures shall be located on the same parcel for which the principal structure is found and shall be in compliance with the following requirements:

- (1) In all residential districts, an accessory building shall not be located closer than five (5) feet to a rear or side lot line.
- (2) In all non-residential districts, an accessory building shall not be located closer than ten (10) feet to a rear or side lot line when abutting any residential use or residential zoning district. When an accessory use abuts a non-residential use or zoning district, there shall be no side yard or rear yard setback requirement for an eligible accessory use.

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(3) Swimming Pools. If approved by the Planning Commission, a swimming pool may be located in a side yard or front yard when located on an eligible:

- (a) Peninsula lot bordered on three sides by dedicated public rights-of-way; or
- (b) Double frontage lot having frontage on two non-intersecting streets, as distinguished from a corner lot

Please refer to "Section 309.05(I) Private Residential Swimming Pools" for additional standards and application procedure.

SECTION 2. That Section 309.05, Private Residential Swimming Pools, at subsection (I), which sets standards for private residential swimming pool locations on a lot, which has heretofore read as follows:

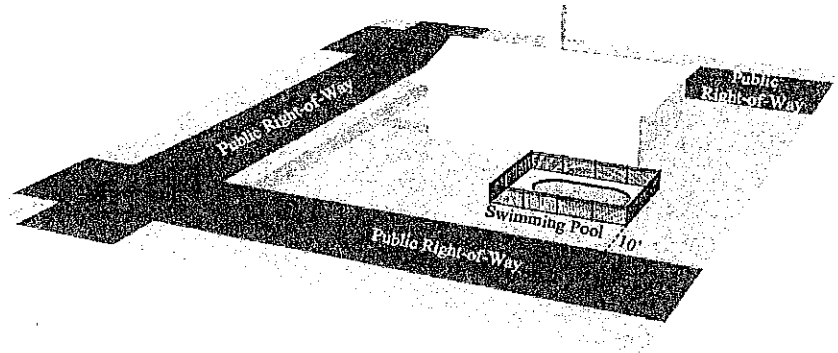
- (I) **Swimming Pools Located on Peninsula Lots.** A swimming pool may be located on a single family peninsula lot bordered on three sides by dedicated public rights-of-way and subject to the following standards:
 - (1) An individual may apply for a permit to allow the placement of a swimming pool located on a peninsula lot when one of the following exists:
 - (a) The lot is zoned for a residential use; or
 - (b) The lot is zoned for a non-residential use and the primary use on the lot is residential at the time of application.
 - (2) The Planning Commission must review and approve or deny all requests for swimming pools proposed on a peninsula lot as authorized under Section 102.03(H).
 - (3) The fenced swimming pool area shall not be located closer than ten feet (10') from any lot line or public right-of-way easement.
 - (4) Planning Commission must approve the application for a swimming pool located on a peninsula lot as provided under Section 102.03(H). Each such application shall contain the following items:
 - (a) Completed application form as provided by the City.
 - (b) Sketch of the applicant's property identifying the location of the residential structure and proposed swimming pool area to include the proposed setback distances from the swimming pool area to the adjoining lot lines or right-of-way easement lines. An example of a possible sketch is shown below.

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- (5) The Planning Commission may approve the location of the proposed swimming pool located within a required front or side yard upon making findings that locating the pool in a front or side yard is the most practical location for it on that particular lot, that the public safety will not be impacted by the location of the pool and that the neighboring properties will not be adversely affected by the location of the pool.

shall be, and the same is hereby amended to, read as follows:

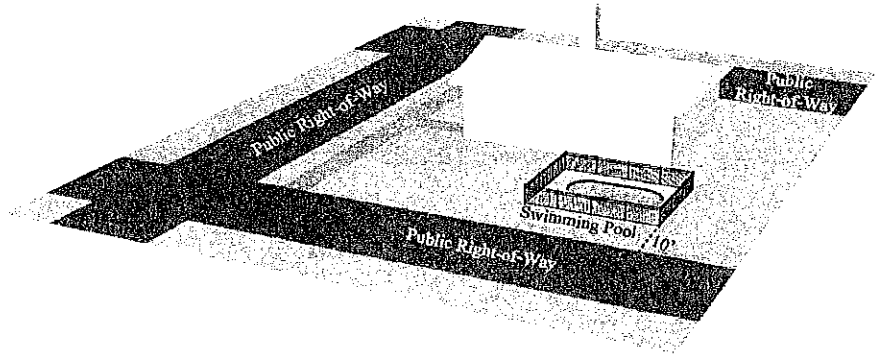
- (1) Swimming Pools Located on Peninsula Lots and Double Frontage Lots. A swimming pool may be located on a single-family peninsula lot bordered on three sides by dedicated public rights-of-way or a double frontage lot having a frontage on two non-intersecting streets, as distinguished from a corner lot and subject to the following standards:
- (1) An individual may apply for a permit to allow the placement of a swimming pool located on a peninsula lot or a double frontage lot when one of the following exists:
 - (a) The lot is zoned for a residential use; or
 - (b) The lot is zoned for a non-residential use and the primary use on the lot is residential at the time of application.
 - (2) The Planning Commission must review and approve or deny all requests for swimming pools proposed on a peninsula lot or a double frontage lot as authorized under Section 102.03(H).
 - (3) The fenced swimming pool area shall not be located closer than ten feet (10') from any lot line or public right-of-way easement.
 - (4) Planning Commission must approve the application for a swimming pool located on a peninsula lot or a double frontage lot as provided under Section 102.03(H). Each such application shall contain the following items:
 - (a) Completed application form as provided by the City.
 - (b) Sketch of the applicant property identifying the location of the residential structure and proposed swimming pool area to include the proposed setback distances from the swimming pool area to the adjoining lot lines or right-of-way easement lines. An example of a possible sketch for a peninsula lot is shown below.

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- (5) The Planning Commission may approve the location of the proposed swimming pool located within a required front or side yard upon making findings that locating the pool in a front or side yard is the most practical location for it on that particular lot, that the public safety will not be impacted by the location of the pool and that the neighboring properties will not be adversely affected by the location of the pool.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 15, 2020

[Signature]
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: June 17, 2020

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Director of Law