

Placed on first reading and referred to the Planning Commission and Rules & Ordinances Committee June 20, 2016, second reading July 5, 2016. Recommended for adoption July 5, 2016 by Rules & Ordinances Committee. Substitute version recommended by the Planning Commission August 4, 2016. Please substitute for the original.

ORDINANCE NO. 32-16

BY: Anderson, Bullock, Litten,
Marx, Nowlin, O'Leary, O'Malley.

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 1722.01, Location of Family Pools, Section 1121.10, Additional Accessory Structure Regulations, Section 1123.10, Additional Accessory Structure Regulations, Section 1125.10, Additional Accessory Structure Regulations, and Section 1127.10, Additional Accessory Structure Regulations, of the Codified Ordinances of the City of Lakewood, in order to provide for the regulation of the location of family swimming pools within the Zoning Code.

WHEREAS, Sections 1722.01, 1121.10, 1123.10, 1125.10 and 1127.10 of the Code stand to be updated to move the regulation of the location of family swimming pools to within the Zoning Code; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to permit applicants an opportunity to seek Zoning Code variances during the current construction season; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1722.01, Location of Family Swimming Pools, of the Lakewood Codified Ordinances, currently reading as follows:

1722.01 LOCATION OF FAMILY POOLS.

- (a) In addition to requirements contained in Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code, no family swimming pool or family wading pool shall be placed or located in any front yard or side yard as prescribed by the Lakewood Zoning Code applicable to the lot or parcel upon which such pool is situated.

- (b) Unless otherwise specifically provided the standards and regulations of this chapter shall not be applicable to family wading pools.

shall be and hereby is repealed, and new Section 1722.01, Location of Family Pools, of the Lakewood Codified Ordinances is enacted to read as follows:

1722.01 LOCATION OF FAMILY POOLS.

- (a) The location of family swimming pools and family wading pools shall be governed by Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code.
- (b) Unless otherwise specifically provided the standards and regulations of this chapter shall not be applicable to family wading pools.

Section 2. Section 1121.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1121.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, shall:
 - (1) In an R1L or R1M Zoning District be located not less than three (3) feet from any lot line;
 - (2) In a R1H Zoning District be located not less than eighteen (18) inches from any lot line.
- (b) Accessory structures having masonry walls without openings or roof projections on a lot-line side of the structure shall be not less than six (6) inches from any such lot-line.
- (c) No family swimming pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1121.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1121.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, shall:
 - (1) In an R1L or R1M Zoning District be located not less than three (3) feet from any lot line;

- (2) In a R1H Zoning District be located not less than eighteen (18) inches from any lot line.
- (b) Accessory structures having masonry walls without openings or roof projections on a lot-line side of the structure shall be not less than six (6) inches from any such lot-line.
- (c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 3. Section 1123.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than six (6) inches.
- (c) No family swimming pool shall be located closer than five (5) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the five (5) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1123.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than six (6) inches.

- (c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than five (5) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the five (5) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 4. Section 1125.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1125.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures shall be constructed of non-combustible material equivalent to a two-hour fire rating for wall and ceiling construction and shall not be constructed within three (3) feet of a side or rear property line.
- (b) No family swimming pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1125.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1125.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures shall be constructed of non-combustible material equivalent to a two-hour fire rating for wall and ceiling construction and shall not be constructed within three (3) feet of a side or rear property line.
- (b) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 5. Section 1127.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1127.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding swimming pools and decorative structures, shall not be located within three (3) feet of a side or rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than two (2) feet.
- (c) No swimming pool shall locate closer than fifteen (15) feet to the side or rear property line of the lot upon which it is situated.

shall be and hereby is repealed, and new Section 1127.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

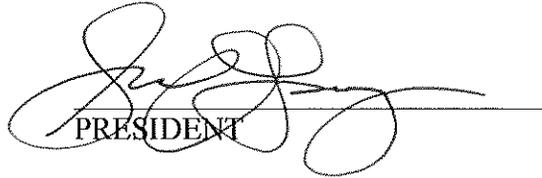
1127.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding swimming pools and decorative structures, shall not be located within three (3) feet of a side or rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than two (2) feet.
- (c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than fifteen (15) feet to the side or rear property line of the lot upon which it is situated.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

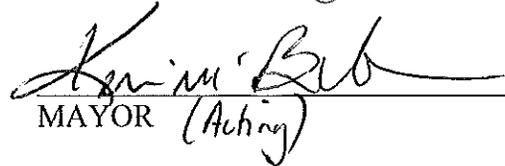
Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: September 6, 2016


PRESIDENT

Mary T. Hagan
CLERK

Approved: Sept. 7, 2016


MAYOR (Acting)