

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-26

By Brian Skoczen Sponsored By Mayor Cyril M. Klein

## AN ORDINANCE

### AMENDING SECTION 1323.02, LOCATION AND AREA, OF CHAPTER 1323, SWIMMING POOLS, IN TITLE FIVE, LOCAL PROVISION, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BREA.

WHEREAS, Codified Ordinance Section 1323.02 was enacted in 1968; and

WHEREAS, upon review, this Council finds that the restrictions on location of swimming pools set forth and established in 1968 and as amended in 2015 may, in certain circumstances, be more limiting than is reasonable for all properties.

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

**SECTION 1.** That Section 1323.02, Location and Area, of Chapter 1323, Swimming Pools, in Title Five, Local Provisions, of Part Thirteen, Building Code, of the Codified Ordinances of the City of Berea, which has heretofore read as follows:

#### **1323.02 LOCATION AND AREA.**

No swimming pool shall be located in any required front or side yard, as prescribed by the Zoning Code of the City, for the lot or parcel upon which such pool is situated, nor in any case be located nearer than ten feet to the side or rear line of the lot or parcel upon which it is situated. The exception to this standard exists when an owner of a peninsula lot, used for residential purposes within the City of Berea and bounded on three sides by dedicated public streets, roads or alleys, makes application to the Planning Commission to locate a swimming pool within a required front or side yard. As provided in Zoning Code Section 309.05(I), the Planning Commission may approve the location of a swimming pool within a required front or side yard upon making findings that locating a 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:

#### **1323.02 LOCATION AND AREA.**

(a) Except as otherwise permitted in 1323.02(b), no swimming pool shall be located in any required front or side yard, as prescribed by the Zoning Code of the City, for the lot or parcel upon which such pool is situated, nor in any case be located nearer than ten feet to the side or rear line of the lot or parcel upon which it is situated.

(b) An owner of a peninsula lot, used for residential purposes within the City of Berea and bounded on three sides by dedicated public streets, roads or alleys, or a double frontage lot, used for residential purposes within the City of Berea and having frontages on two non-intersecting streets, as distinguished from a corner lot, may make application to the Planning Commission to locate a swimming pool within a required front or side yard. As provided in Zoning Code Section 309.05(I), the Planning Commission may approve the location of a swimming pool within a required front or side yard upon making findings that locating a 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 2.** 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.

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SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 15, 2020

J. M. Deltz  
President of Council

ATTEST: Aliza Es  
Clerk of Council

APPROVED: June 19, 2020  
Lynell Klethy  
Mayor

APPROVED AS TO FORM:

John J.  
Director of Law