

CHAPTER 1278  
Supplementary Regulations

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| 1278.01 Swimming pools.                              | 1278.03 Exceptions to area, yard and height requirements. |
| 1278.02 Accessory structures in Residence Districts. | 1278.04 Fences, walls and foliage.                        |
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CROSS REFERENCES

- Municipal zoning - see Ohio R.C. 713.06 et seq.  
 General provisions and definitions - see P. & Z. Ch. 1240  
 Administration, enforcement and penalty - see P. & Z. Ch. 1242  
 Districts generally and Zoning Map - see P. & Z. Ch. 1244  
 Nonconforming structures, uses and lots - see P. & Z. Ch. 1266  
 Off-street parking and loading - see P. & Z. Ch. 1268  
 Conditional uses - see P. & Z. Ch. 1272  
 Home occupations - see P. & Z. Ch. 1274  
 Signs - see P. & Z. Ch. 1276

**1278.01 SWIMMING POOLS.**

Private swimming pools, outside completely enclosed principal structures, shall be allowed in any Residence District as an accessory use, and such pools shall comply with the following conditions and requirements:

- (a) Such pools must be intended and used primarily for the enjoyment of the occupants of the principal use of the property on which they are located.
- (b) Such pools may not be located closer than ten feet from any side lot line of the property on which they are located.
- (c) Such pools must meet applicable Building Code standards relating to structural safety and must meet or exceed Building Code user safety standards, such as fencing and electrical installations.
- (d) Such pools shall be completely enclosed by a fence not less than four feet in height. The fence shall be so constructed as not to allow a five-inch diameter sphere to pass through the fence. A principal or accessory building may be used as part of the enclosure.

- (e) All gates or doors opening through an enclosure, except those used for vehicles, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any building which forms a part of the enclosure need not be so equipped. Any other gates or openings shall be kept securely closed at all times when not in actual use.
- (f) All pools that have been constructed prior to the adoption of subsections (d) and (e) hereof shall comply with said regulations no later than ninety days following the adoption of said regulations. Existing pools which are substantially in compliance with subsections (d) and (e) hereof need not be modified; however, upon fence replacement, any new fencing must be installed in full compliance with this section.
- (g) Enclosed pools shall meet applicable standards for accessory structures.  
(Ord. 2000-5. Passed 4-3-00.)

#### **1278.02 ACCESSORY STRUCTURES IN RESIDENCE DISTRICTS.**

Accessory structures shall be subject to the following requirements:

- (a) No accessory structure shall be erected in any required yard or court, except that accessory structures may be erected in a rear yard if such structures are kept at least ten feet from the rear and five feet from side property lines and if such structures occupy no more than thirty percent of the required rear yard. The thirty percent coverage limitation shall not apply to unroofed structures used for recreational purposes.
- (b) In the case of an accessory structure where an automobile entrance would be gained and would be utilized off of an existing publicly dedicated and commonly used alley, such accessory structure may be located on the rear lot line if parking space plans have been approved by the Zoning Administrator.
- (c) The height of an accessory structure shall not exceed eighteen feet when a hip or gable roof is used, fifteen feet when a mansard or gambrel roof is used and twelve feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed twenty-four feet, and the distance of such structure from any principal buildings on the same or an adjacent lot shall be at least ten feet.  
(Ord. 81-12. Passed 7-6-81; Ord. 95-5. Passed 5-1-95; Ord. 97-07. Passed 7-7-97.)
- (d) No accessory structure, with the exception of unroofed structures used for recreational purposes, shall be constructed which has a lot area coverage greater than 600 square feet or six percent, whichever is larger.  
(Ord. 81-11. Passed 7-6-81.)

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- (e) Dwelling units are permitted in accessory structures only in Residence Districts and only when the following conditions are met:
  - (1) The established density of the Residence District where the dwelling is proposed is maintained.
  - (2) The total habitable space in the accessory structure does not exceed 750 total gross square feet.
  - (3) No new curb cuts are permitted in conjunction with the dwelling.  
(Ord. 94-9. Passed 6-6-94.)
- (f) Accessory structures located in a designated flood hazard area shall comply with the additional provisions set forth in Chapter 1282.  
(Ord. 97-07. Passed 7-7-97.)

**1278.03 EXCEPTIONS TO AREA, YARD AND HEIGHT REQUIREMENTS.**

- (a) Height Limits. Height limits specified elsewhere in this Zoning Code shall not apply to:
  - (1) Churches, schools, hospitals and such public buildings as libraries, museums, art galleries, fire stations or public buildings of a cultural, recreational or administrative nature.
  - (2) Barns, silos or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; transmission towers; windmills; chimneys; smokestacks; flagpoles; and radio towers, masts and aerials. Such structures shall be limited to 100 feet in height in any case.
  - (3) Such structures as are needed by industry where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent of the area of the lot and shall be distant not less than twenty-five feet in all parts from every lot line.
- (b) Yard Exceptions and Modifications.
  - (1) A. In any Residence District where a block has 50% or more of the lot frontage on one side of the street improved with buildings, the front yard requirement for single-family dwellings may be reduced as follows:
    - 1. For new dwellings and existing dwellings conforming to the district requirements, the front setback shall be reduced to the average of the two nearest dwellings along that frontage.
    - 2. For existing dwellings that do not conform to the district requirements, the front setback shall be reduced to equal the lesser of its existing setback, or the average of the two nearest dwellings along that frontage.
  - B. However in no case shall the reduction be greater than 50% of the district standard and no garage door facing a street shall be less than 25 feet from the street right-of-way line.

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- (2) The side yard requirements for a row dwelling shall be the same as if such dwelling were considered one structure.
- (3) Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such cases, the average width of the side yard shall be not less than the otherwise required least width, provided, however, that such side yard shall not be narrower than one-half the otherwise required least width and, in any case, not narrower than five feet.
- (4) Front yard setback requirements shall apply to both street frontages in the case of a corner lot.
- (5) Patios may project into rear yards, provided that they are not closer than three feet to any adjacent property line.
- (6) Buildings on lots having frontage on two nonintersecting streets need not have a rear yard. However, applicable front yards must be provided on both streets.

(c) Area Limitations. The lot area and frontage limitations of this Zoning Code shall not apply to any lot officially recorded prior to October 18, 1971, the owner of which does not own any adjacent land, provided that in the opinion of the Board of Appeals the lot area, lot frontage and the proposed yard space satisfy as closely as possible the lot and yard requirements of this Zoning Code for the district in which such lot is situated. (See also Section 1266.06 of this Code.)  
(Ord. 81-11. Passed 7-6-81; Ord. 93-12. Passed 12-6-93; 2004-12. Passed 4-5-04.)

#### **1278.04 FENCES, WALLS AND FOLIAGE.**

Notwithstanding other provisions of this Zoning Code, fences, walls and foliage are permitted in required yards under the following conditions:

- (a) (1) Such fence or wall shall not exceed a height of four feet.
- (2) All fences, walls and foliage adjacent to any public sidewalk shall be set back at least one foot from said sidewalk.
- (3) No fence, wall or foliage shall be permitted to interfere with visibility to or from a driveway.
- (b) Within a side or rear yard in a Residence District, no fence or wall shall be permitted to exceed a height of six feet.
- (c) No fence in a nonresidential district shall exceed eight feet in height, and for each foot in height exceeding six feet, there shall be a one and one-half foot offset from side property lines.
- (d) The use of barbed wire or electrically charged fences shall be limited to nonresidential districts, and the electrically charged or barbed section of any fence shall be limited to heights greater than seven feet above grade.

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- (e) Fences, walls or foliage erected or maintained over or in utility easements at the owner's risk shall be subject to removal, as required, to provide access to such easements.  
(Ord 81-12. Passed 7-6-81.)

**1278.05 FLOOD HAZARD AREAS. (REPEALED)**

(EDITOR'S NOTE: Section 1278.05 was repealed by Ordinance 2002-08, passed August 5, 2002.)

(Text continues on page 152C)

