

VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, February 8, 2016 at 7:00 PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

**CALL TO ORDER**

**ROLL CALL**

**VOTE FOR CHAIR AND VICE-CHAIR**

**REVIEW OF AGENDA**

**REVIEW OF MINUTES**

Minutes of January 11, 2016

**COMMUNICATIONS**

**COUNCIL REPORT**

**CITIZENS' COMMENTS**

**PUBLIC HEARINGS**

Zoning text amendment additions as follows:

- a. Revision of Section 1260.04 to include the regulation of swimming pools and spas in the Village.
- b. Revision of Section 1258.01 to include the regulation of swimming pools and spas in the Village.
- c. Revision of Section 1470.02 to include a non-maintained pool or spa constitutes a public nuisance.

**OLD BUSINESS**

**AGENDA PLANNING**

Review of Sign Ordinance

**ADJOURNMENT**

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7pm**

**Monday, January 11, 2016**

**CALL TO ORDER**

The meeting was called to order at 7:00 P.M.

**ROLL CALL**

Planning Commission members present were Matt Reed, Chair, Gerald Simms, Council Representative, Susan Stiles, Adam Abraham and Rose Pelzl. Also present was Denise Swinger, Zoning Administrator. Alternate Judith Hempfling was present in the audience.

**NOMINATIONS**

It being the first meeting of the year, Reed OPENED THE FLOOR FOR NOMINATIONS FOR CHAIR.

Stiles NOMINATED Reed as Chair for 2016. Simms SECONDED. Simms MOVED TO CLOSE THE NOMINATIONS FOR CHAIR. Pelzl SECONDED, and the MOTION TO CLOSE TO FLOOR PASSED 5-0.

Pelzl NOMINATED Stiles as Vice-Chair. Simms SECONDED. Simms MOVED TO CLOSE THE NOMINATIONS FOR VICE-CHAIR. Abraham SECONDED, and the MOTION TO CLOSE THE FLOOR PASSED 5-0.

Voting on the nominations will take place at the second 2016 meeting of Planning Commission.

**REVIEW OF MINUTES**

Minutes for December 28, 2015 Special Meeting were reviewed. Simms MOVED and Reed SECONDED a MOTION TO APPROVE AS AMENDED. The MOTION PASSED 3-0 ON A VOICE VOTE. Abraham and Stiles abstained due to absence from that meeting.

**REVIEW OF AGENDA**

There were no changes made.

**COMMUNICATIONS**

There were no Communications.

**COMMITTEE/COUNCIL REPORTS**

Simms reported the Council decision to move him to the Council Representative position and to make Judith Hempfling the Council Alternate.

Simms noted as well that Council had passed the Enterprise Zone legislation for 888 Dayton Street.

Simms noted also that ads have been placed in the Yellow Springs News asking for volunteers for the Planning Commission Alternate position.

**CITIZENS' COMMENTS**

There were no Citizen Comments.

**PUBLIC HEARINGS**

Text Amendments

- a. **Revision of Section 1262.08 - regarding the regulation of accessory dwelling units in the Village.**

Swinger explained the proposed amendments as follows:

At the October 12, 2015 meeting, the Planning Commission approved several text amendments, but held on one that loosened restrictions on accessory structures. The text amendment 1260.04(a) (6) was "The total square footage of all accessory structures on the property shall not exceed 66 percent of the principal building floor area or 800 square feet, whichever is less."

Council had no issue with the change, however they held on its final approval because they found that the language under Conditional Uses ó Specific Requirements 1262.08 (1) Accessory Dwelling Units ó section D - "The accessory dwelling unit shall be limited in size to a maximum of 50 percent of the total living area of the principal dwelling unit or 750 square feet, whichever is less" needed to be consistent with the change made to accessory structures.

Although it was the total square footage of all accessory structures on the property that was previously approved by the Planning Commission, staff could have an issue if there is only one accessory structure on the property measuring 800 square feet. In this case, the property owner would not be able to have an accessory dwelling unit in this 800 square foot structure because of the 750 square foot restriction.

Staff is requesting approval of the above language to the following: The accessory dwelling unit shall be limited in size to a maximum of ~~66-50~~ percent of the total living area of the principal dwelling unit or ~~800-750~~ square feet, whichever is less.

Reed opened the discussion, noting Swinger's suggested language for this amendment.

There were no questions or comments from those present or from Council.

Reed CALLED THE MOTION.

Simms MOVED and Pelzl SECONDED a MOTION TO APPROVE the LANGUAGE SUGGESTED IN SWINGER'S REPORT (The accessory dwelling unit shall be limited in size to a maximum of ~~66-50~~ percent of the total living area of the principal dwelling unit or ~~800-750~~ square feet, whichever is less.). Reed CALLED THE VOTE and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

**b. Revision of Section 1260.04 regarding the regulation of swimming pools in the Village.**

Swinger introduced the topic as follows, stating that at the August 31, 2015 Planning Commission meeting, staff proposed regulations for residential swimming pools. At that time, Planning Commission asked staff to do further research on the subject. She asked that PC discuss the matter and provide her with direction regarding next steps.

Swinger stated that as a result of her research, she has found that many municipalities in Ohio do not regulate swimming pools or spas. When they do, the swimming pools and spas are often public and are regulated by a municipality's health inspector. In Greene County, the Greene County Combined Health District handles this, and only licenses non-residential swimming pools and spas, while the Greene County Building Department regulates their construction. Because of this, she commented, it would make sense to regulate two particular areas, that of child safety and of any threat to public health.

Swinger stated that she had asked the Clerk, Judy Kintner, to research the ordinances for other Ohio Municipalities through her Ohio Municipal Clerks Association contacts, and noted representation of same in the packet.

Stiles suggested that PC approach the topic from the two approaches suggested, and that any regulation be kept simple.

Reed asked PC to discuss stagnant water as an issue, asking if this could be easily covered under the nuisance code. He asked that wading pools and fish ponds not be included.

In response to a question from Swinger, Stiles stated that she wanted spas included in the regulations as being particularly attractive to children.

Pelzl asked what regulation could eliminate a homeowner leaving off the cover to a spa.

Stiles asserted that pools available for purchase could fall into this category as deep enough for a child to drown in, and should perhaps be included.

Hempfling contributed that homeowners generally attempt to secure pools and ponds behind fences, but noted that often there are gates left open, etc.

Pelzl asked why include language specifying that only bodies of water intended for the submersion of the human body are included, noting that a child might be at risk of drowning in either a pond or a swimming pool.

Stiles suggested that the Clerk could seek further information regarding regulation of ponds, etc. from the OMCA.

Kintner commented that she had found little in the way of pond regulation at this point in the process and opined that there is a reasonable assumption that a child should be taught that a pond or stream or lake is a danger, but that children might easily recognize a pool or spa as a fun place to go and therefore poses greater temptation as an attractive nuisance.

Pelzl and Reed commented that they were convinced by this rationale.

Planning Commission discussed the need for building department approval for construction of an in ground pool, but noted that pulling those permits would not ensure that the Village was informed of that construction. Swinger commented that she did not think that the Greene County building code requires fences.

Kintner wondered if insurance would regulate some of those safety requirements.

Abraham stated that the matter is serious enough that repeating a regulation is not a hardship in favoring fencing regulations.

Gating/latching was discussed, with the definition included in the staff report noted as sufficient.

The Commission discussed definitions, agreeing as a body that they would like the below definitions included in any further regulation of pools.

Private Swimming Pools and Spas ó any structure or container, either permanent or portable, and either above or below ground, designed to hold water to a depth of greater than 24 inches at any point, intended for the immersion of the human body, whether for swimming, wading or sitting, used by the occupants thereof and guests, without payment of any fee, and as an accessory use to a residence. This includes hot tubs, steam baths and other hydrotherapy devices.

Swinger noted that as long as pools are included in section 1260.04, Accessory Structures, Buildings and Uses, all information on requirements such as permit fees, setbacks, etc. is included in that section. A footnote specific to swimming pools could be added if needed for further clarification.

PC discussed the depth of wading pools to be exempted, noting that a pool of less than 24ö is exempted under the definition for Private Swimming Pools and Spas.

Swinger noted that a permanent pool would factor into the lot coverage restrictions.

The Commission agreed with the proposed restrictions offered for lighting as follows:

Any lights used to illuminate a pool shall be so arranged and shaded as to reflect light away from adjoining premises and public streets.

The Commission asked Swinger to explore this area further and to bring back information.

Regarding enclosures, the Commission agreed with the provided suggestion as follows:

Every person owning land on which there is situated a swimming pool or spa shall erect an adequate enclosure or fence surrounding either the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure or fence, including gates therein, shall not be less than four feet above the outside underlying ground and shall be of a type of construction which cannot be easily climbed by small children. All gates shall be self-latching with latches placed at least 42 inches above the outside underlying ground or otherwise made inaccessible from the outside to small children. A dwelling structure, garage or accessory building of at least four feet in height may constitute a portion of such enclosure.

The group agreed that the gate should be self-latching, but steered away from regulation regarding locking.

Pelzl liked the inclusion of language permitting a natural barrier, as follows: A natural barrier, hedge, removable ladder or other protective device may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, fence, gate, and latch described herein.

Reed stated that Planning Commission is not ready to consider regulation of indoor pools at this time.

Regarding maintenance of pools, Swinger suggested keeping a statement for placement in the Nuisance section of the Code following the concept of: this regulation protects residents from bodies of water that have become stagnant and become a breeding ground for insects.

PC discussed a timeline for compliance for existing pools, finally deciding that pool owners should have the standard amount of time from the date of a warning letter, and asked that Swinger determine what the most consistent time frame would be.

Planning Commission agreed that a non-liability clause should be included with any pool regulation.

Swinger asked the group whether they wished to include any utility regulations, such as overhead lines, drainage or plumbing.

The group asked that Swinger research this and bring back any relevant information.

**OLD BUSINESS**

There was no Old Business.

**AGENDA PLANNING**

Vote for Chair and Vice-Chair.  
Swimming Pool Regulations.

**ADJOURNMENT**

At 8:00pm, Simms MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Matt Reed, Chair

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Attest: Judy Kintner, Clerk

*Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.*



TO: Planning Commission  
FROM: Denise Swinger, Zoning Administrator  
DATE: February 3, 2016  
RE: Planning Commission Meeting – February 8, 2016

Attached you will find the swimming pool and spa regulation for the zoning code which includes the additions made by the sections of the code affected.

Additionally, there are two articles regarding swimming pools and homeowner's insurance. From what I have read, most insurance companies require at least a 48" high fence around a swimming pool. I didn't find anything relating to spas.

I also contacted Mr. Kuzma of Greene County Building Regulations regarding electrical lines crossing over pools and permits on record of pools in the Village. Please see below:

**From:** Kuzma, Al [<mailto:AKuzma@co.greene.oh.us>]  
**Sent:** Friday, January 29, 2016 5:35 PM  
**Subject:** RE: swimming pools and spas

Hello, Denise;  
We are in the process of updating the NEC requirements for swimming pools,  
We should have them soon.  
We do have some records that date back to the early 1990's  
Thank you  
AL

Mr. Kuzma did not answer specifically my question about electrical lines crossing over a pool area, but since they are updating the NEC requirements, it is possible he will consider that. It also doesn't sound like we will be able to get our hands on a complete list of private swimming pools in the Village. We may want to consider a few ways to get the word out regarding the requirement of a permit for an existing pool. I am suggesting one year from the date the legislation is enacted.

And finally, I have included a draft of the swimming pool permit. The fee would be \$15 as it falls under the category of an accessory structure. This would only pertain to new pool and spa installations as we discussed not charging a permit fee for existing pools and spas.



**Swimming Pool/Spa Permit**

DATE: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

POOL CONTRACTOR: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_ PHONE: \_\_\_\_\_

TYPE OF POOL (CHECK ONE):     ABOVE GROUND     IN-GROUND

SIZE OF POOL: \_\_\_\_\_ (DIAMETER IN FEET) DEPTH OF POOL: \_\_\_\_\_ (FT)

INSTALLING DECK:  YES     NO

IS THERE A FENCE INSTALLED?  YES     NO

IF YES, WHAT IS THE HEIGHT AT ALL POINTS? \_\_\_\_\_ (INCHES)

DOES THE FENCE CONTAIN GATES WITH SELF-CLOSING AND SELF-LATCHING HARDWARE?  
 YES     NO

POOL SETBACKS (DISTANCES FORM THE PROPERTY LINES)

REAR \_\_\_\_\_ (FT)    SIDE \_\_\_\_\_ (FT)    SIDE \_\_\_\_\_ (FT)

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**DO NOT WRITE BELOW THIS LINE (OFFICE USE ONLY)**

PERMIT FEE: \$ \_\_\_\_\_

CONDITIONS OF APPROVAL:

PAID: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ZONE: \_\_\_\_\_

\_\_\_\_\_  
ZONING ADMINISTRATOR

\_\_\_\_\_  
DATE

*Planning Commission,*

*This is the section under accessory buildings and structures where it was decided to include the swimming pool and spa regulation. Please note the other changes from previous meeting which will be included with this legislation for passage by Council. Only the sections highlighted in yellow are related to the swimming pool and spa.*

**1260.04 USES.**

(a) Accessory Buildings and Structures.

(1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than ten feet in length. Detached accessory buildings shall be located at least ten feet from any principal building.

(2) Accessory buildings and structures shall not be erected in any front yard.

(3) Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines. ~~In any case, accessory buildings and structures shall not occupy more than 30% of the required rear yard.~~

(4) An accessory building or structure designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the Zoning Administrator.

(5) The height of an accessory structure shall not exceed 18 feet when a hip or gable roof is used, 15 feet when a mansard or gambrel roof is used and 12 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 24 feet.

(6) Accessory structures shall not exceed ~~50~~ 66% of the principal building floor area or ~~750~~ 800 square feet, whichever is less.

(7) An accessory building or accessory structure shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.

(8) Accessory buildings and structures in planned unit developments shall be subject to the same requirements as in the Residential Districts.

(9) Accessory structures located in a designated flood hazard area shall comply with the additional provisions set forth in [Chapter 1282](#).

(10) Swing sets, playground equipment, garden trellises, well-head covers, **portable or temporary pools less than 24 inches in depth**, and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by Village ordinance.

(11) Buildings and structures accessory to nonresidential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.

(12) Accessory structures and buildings shall share all public utilities (water/ sewer/electric) with the principal building. Accessory structures and buildings will not be separately metered.

(b) Essential Services. The installation and maintenance of essential service equipment is exempt from this zoning code.

(c) Illegal Dwellings. The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement meets the appropriate Village building codes. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, except in conformance with the requirements of Section [1262.08\(e\)\(1\)](#) for accessory dwellings.

(d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, PUDs, or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

(1) Individual buildings share common parking areas, signs, access and similar features;

(2) Buildings are under single ownership;

(3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or

(4) Buildings are architecturally unified and compatible.

(e) Prohibited Uses. Uses not specifically permitted by right or conditional approval by this zoning code shall be prohibited.

(f) Uses in Conformance. No building, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered, unless in conformity with the provisions of this code.

(g) Uses on a Lot. Every building, structure or use erected or established within the Village shall be located on a legally recorded lot or parcel and shall conform to all applicable requirements of this code.

**(13) Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.**

**(14) Private swimming pools and spas – all private swimming pools and spas shall be considered accessory structures and may be constructed in any rear yard not closer than five feet from any property line or building, excluding zoning districts Conservation and I-2 (Industrial) and must meet the following criteria:**

**(1) Every person owning land on which there is situated a swimming pool or spa shall erect an adequate enclosure or fence surrounding either the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure or fence, including gates therein, shall not be less than four feet above the outside underlying ground and shall be of a type of construction which cannot be easily climbed by small children. All gates shall be self-closing and self-latching with latches placed at least 42 inches above the outside underlying ground or otherwise made inaccessible from the**

outside to small children. A dwelling structure, garage or accessory building of at least four feet in height may constitute a portion of such enclosure. A natural barrier, hedge, removable ladder or other protective device may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, fence, gate, and latch described herein.

(2) Any lighting used to illuminate the pool shall be so arranged and shaded as to reflect light away from adjoining properties and public streets.

(3) All swimming pools and spas shall be maintained in good condition so as to prevent the growth of organisms which constitute a health hazard and to prevent the breeding of insects.

(4) Existing private swimming pools and spas that do not conform to the requirements of (14) (1), (2) and (3) shall be brought into compliance therewith not later than one year from the date of adoption of this regulation.

***Planning Commission,***

***This is the definition that you suggested be added to Section 1284 - Definitions***

**1284.08 Definitions: R-S**

Private swimming pools and spas – any structure or container, either permanent or portable, and either above or below ground, designed to hold water to a depth of 24 inches or greater at any point, intended for the immersion of the human body, whether for swimming, wading or sitting, used by the occupants thereof and guests, without payment of any fee, and as an accessory use to a residence. This includes hot tubs, steam baths and other hydrotherapy devices. Pools that are less than 24 inches in depth, are portable or temporary, are exempted from the requirement of a zoning permit.

*Planning Commission,*

*This is the section suggested by our solicitor to add swimming pools/spas as a public nuisance if not maintained. This section is under Buildings and Housing of our Codified Ordinances. If it is determined that it is not an effective way to resolve an unkempt pool or spa, we could seek approval from the Chief of Police and Council for an amendment to the General Offenses (660) section of the Codified Ordinances at a future time.*

**1470.02 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply:

(a) "Public nuisance" means any fence, wall, garage, shed, house, building, structure, tree, pole, smokestack, excavation, basement, cellar, well, cistern, or sidewalk subspace, **swimming pool or spa**, or part thereof, which, by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property of, or cause any hurt, harm, inconvenience, discomfort, damage or injury to, any one or more persons in the Village in any one or more of the following ways:

- (1) By reason of being detrimental to the general health of the community;
- (2) By reason of being a fire hazard;
- (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid premises;
- (4) By reason of continued vacancy, thereby resulting in a lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and a blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.

(b) "Owner" means an owner of record of the premises in fee or a lesser estate therein, a mortgagee or vendee in possession, an assignee of the rents, or a receiver, executor, administrator, trustee, lessee or other person, firm or corporation in control of a building or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he or she were the owner.

(Ord. 1967-9. Passed 10-10-67.)

**This is the process under Section 1470 to enforce public nuisances.**

**1470.03 INSPECTIONS; PHOTOGRAPHS AND REPORTS; NOTICE TO ABATE.**

Whenever the Village Manager suspects the existence of a public nuisance in the Village, he or she shall promptly cause to be inspected the premises on which he or she suspects such public nuisance exists. Should the Manager find that a public nuisance does exist, he or she shall promptly notify any two of the following: the Fire Chief of Miami Township Fire Rescue; the Greene County Combined Health District; or the Chief Building Official of Greene County or their duly authorized agents. The two selected agencies shall cause to be inspected the premises on which it is suspected such public nuisance exists. Written reports of such inspection with respect to the existence of the public nuisance shall be filed with the Manager.

Should all of the aforesaid officers or their duly authorized agents agree that a public nuisance exists, it shall be the duty of the Manager to cause photographs of such nuisances to be made and to file and keep in his or her office the written reports of the findings of the aforesaid officials or their agents. The Manager shall cause a written notice to be served on such owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof cause the abatement of the public nuisance by removal of the building or structure the same will be abated by the Village at the expense of such owner or owners. Such abatement shall start within fifteen days after service of such notice and shall be completed within forty-five days or such additional time as the Manager may deem necessary to complete the removal.

(Ord. 1967-9. Passed 10-10-67; Ord. 2012-10. Passed 5-7-12.)

#### **1470.04 SERVICE OF NOTICE.**

The notice shall be served either personally or by leaving a copy at the usual place of residence of the owner or by mailing a copy to such owner at his or her usual place of residence if such place of residence is outside Greene County, Ohio, by United States certified mail with return receipt requested. If service of the written notice is not perfected by any of the hereinbefore described methods, then the Village Manager shall cause such notice to be published in a newspaper of general circulation in the Village once each week for two consecutive weeks and shall further cause a copy of the notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists, or, if there is no person in possession thereof, he or she shall cause a copy of the notice to be posted on the premises. The Manager shall cause a return of service in the form of an affidavit to be made by the person who served it, which affidavit shall set forth the name and address of the person served, the manner of service and the date thereof.

(Ord. 1967-9. Passed 10-10-67.)

#### **1470.05 PLANS AND SPECIFICATIONS; ISSUANCE OF SPECIAL BUILDING PERMIT FOR REPAIRS AND REPLACEMENTS.**

Upon being served notice, the owner or owners may make immediate application in writing or in person to the Village Manager for a special building permit to undertake the repairs or replacement of items found to constitute a public nuisance. Plans and specifications as required by the Manager covering the repairs or replacements shall be furnished by the owner or owners to the Manager within fifteen days after receipt of notice or such additional time as the Manager may deem necessary to complete plans and specifications, not to exceed ninety days. The Manager shall, upon approval of the plans and specifications, cause a special building permit to be issued to the owner or owners, which permit shall be valid for a period of thirty days. Within such thirty days the owner or owners must effect and complete such repairs and/or replacements unless the Village Manager grants an extension of the special building permit, which extension may be granted if the owner or owners show reason or cause for it and if it will more readily effect the repairs and/or replacements.

(Ord. 1967-9. Passed 10-10-67.)

#### **1470.06 APPEALS.**

The owner or owners may, within ten days after completion of service of the notice, make a demand in writing to the Village Manager for a hearing on the question of whether in fact a public nuisance exists. The hearing shall be held within ten days following receipt of the written demand, and at least two days notice in writing of the hearing shall be given to the owner or owners. The hearing shall be conducted by the Board of Appeals, pursuant to Section 69 of the Village Charter. In the event of an appeal to Council of the Board's decision, a majority of the Council present must concur that a public nuisance exists before enforcement of the abatement is carried out. A copy of the decision of Council shall be promptly served upon the owner or owners in the manner hereinbefore provided for.

(1971 Code § 1333.06)

#### **1470.07 ABATEMENT BY VILLAGE; COSTS.**

(a) Should a public nuisance not be abated at the expiration time stated in the notice or upon the expiration of the time stated in the special building permit issued by the Village Manager or such additional time as Council may grant, the Manager shall be authorized, at any time thereafter, to enter upon such premises, and the owner shall permit him or her entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required.

(b) In abating such nuisance the Manager may call upon any department of the Village for whatever assistance may be necessary, or may, by private contract, obtain the abatement thereof. The cost of such private contract shall be paid for from Village funds specifically authorized by Council in order to abate such public nuisance.

(c) In abating such nuisance the Manager may go to whatever extent necessary to complete the abatement of the same, and the cost of the abatement action shall be recovered from the owner in the following procedure:

(1) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.

(2) If costs are not so recovered then the Village shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261.

(Ord. 1967-9. Passed 10-10-67.)



exceeding 30% of the total floor area of the principal building											
Vehicle wash facilities for trucks and trailers								P	P		
<b>Agricultural and Animal-Related Uses</b>											
Agribusiness		C							C	P	
Breweries, distilleries and bottling plants									P	C	
Community gardens	P	P	P	P	P						
Farm, including raising animals		C	C	C	C				C	C	
Food processing plants		C							C	P	
Greenhouse/nursery (not including retail sales)		P							C	P	
Kennels									C		
Produce and other food products terminals									C	P	
Riding stables	C	C									
Veterinary clinics					C			C			
<b>Commercial Services</b>											
Business machine sales & service								P	P		
Cleaning services								P	P		
Electric, plumbing supplies sales & service							P	P	P		
Glass sales & service								P	P		
HVAC sales & service								P	P		
Locksmith shops								P	P		
Machinery and equipment sales & service								P	P	P	
Mail order businesses and fulfillment centers								P	P	P	
Pest control services								P	P		

Petroleum products sales						C	P		
Printing, photocopying and publishing services	P				P	P	P	P	
Repair shops (non-automotive)						P	P		
Tool and equipment rental						P	P		
<b>Construction</b>									
Building material and lumber supply, including lumber yards								C	P
Contractors' offices and shops (not including outdoor storage)								P	P
Landscaping services								C	P
<b>Educational</b>									
Administrative offices	P								
Auditorium buildings	P								
Classroom buildings	P								
Commercial schools and studios including art, dance, martial arts, and music	P				P	C	C		
Schools (elementary, middle, high)		C	C	C					<a href="#">1262.08(c)(2)</a>
Trade schools								P	P
Training centers, engineering or sales								P	P
<b>Food, Drink, Entertainment and Hospitality</b>									
Bars, taverns, clubs and restaurants serving alcoholic beverages	C				C	C	C		
Bed and breakfasts	C	C	C	C	C				<a href="#">1262.08(e)(2)</a>
Brew pubs and similar establishments	C				C	C	C		
Farmers market	P				C	C	C		
Hotels and motels	C				C	C			

Internet sweepstakes café							C			
Mobile vending (food trucks)						C	C	C		
Restaurants, excluding drive-in or drive-thru facilities		C				P	P	C		
Sexually oriented businesses								P		<a href="#">1262.08(d)(3)</a>
<b>Health Care and Social Assistance</b>										
Hospitals							C			
Medical and dental laboratories							C	C	C	
Medical and dental offices and clinics		C				C	P			
<b>Manufacturing</b>										
Building material manufacturing including milling, planning and joining								C	C	
Chemical manufacturing and storage								C	C	<a href="#">1262.08(b)(1)</a>
Machine, sheet metal and welding shops								C	C	
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials								P	C	
Metal stamping, pressing and buffing								C	C	
Paint, rust proofing and rust coating								C	C	
Tool and die shops								C	C	
<b>Offices and Financial Services</b>										
Banks, credit unions and similar financial institutions, excluding drive in and drive-thru facilities		P					P	P		
Offices for executive, administrative, professional, real estate, accounting and similar professional activities		P		C	C	P	P	P		

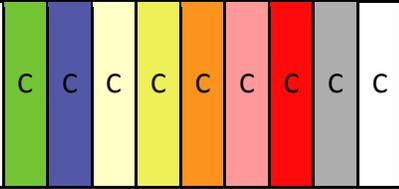
<b>Personal Services</b>									
Day care, nursery schools and child care establishments		P				P	P		
Health and fitness clubs		P				P	P		
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair						P	P		
Tattoo parlor						P	-		
<b>Public/Quasi-Public</b>									
Cemeteries (green burial method only)	C								
Churches and customary related uses		P	C	C	C	C	P		<a href="#">1262.08(c)(1)</a>
Government offices, buildings and facilities	P	P	C	C	C	P	P	P	P
Libraries		P			C	C			
<b>Recreation and Leisure</b>									
Art galleries, museums and similar cultural facilities		P				P			
Assembly and performance halls		P				C			
Ball fields		C							
Community centers and senior centers		P				P			
Cultural buildings		P			C	C			
Field house		C							
Forest and wildlife preserves	P	P							
Golf courses and country clubs		C							
Indoor commercial recreation such as theaters, bowling lanes and skating rinks		C				C	C		
Interpretive centers	P	P							

Natatorium		P									
Outdoor commercial recreation such as mini-golf and batting cages							C				<a href="#">1262.08(d)(1)</a>
Public parks/playgrounds/recreation areas	C	P	C	C	C						
Stadium		C									
<u>Swimming Pools and Spas</u>		<u>P</u>									
<b>Research and Technical Facilities</b>											
Research, development and testing laboratories and facilities		P							P	P	
<b>Residential</b>											
Boarding homes					C						<a href="#">1262.08(e)(3)</a>
Continuing care retirement community		C		C	C						
Dormitories		P									
Dwellings, attached single-family		C		P	P						
Dwellings, multiple-family		C		C	P						
Dwellings, single-family detached		C	P	P	P	P					
Dwellings, two-family		C		P	P						
Dwelling units on the upper floors of buildings with nonresidential uses at street level						C					<a href="#">1262.08(e)(4)</a>
Short-term rental units		C	C	C	C	C	C				<a href="#">1262.08(e)(6)</a>
<b>Retail</b>											
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises						C	P	C			
Bicycle sales, rental and repair						P		C			



Wind energy conversion systems(single accessory)		C						C	C	
Wind energy conversion systems (commercial)		C								
Wireless communication facilities and towers	C	C						C	C	<a href="#">1262.08(g)(1)</a>
<b>Vehicle Sales, Service and Related</b>										
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners						C	C			<a href="#">1262.08(a)(1)</a> and <a href="#">1262.08(d)(2)</a>
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment							C			<a href="#">1262.08(h)(1)</a>
Sale of vehicle parts, not including installation/repair							P			
Truck and heavy equipment repair									C	
Truck and trailer rental							C	C		
Vehicle and equipment rental							C	C		
Vehicle repair, major							C	C		<a href="#">1262.08(h)(2)</a>
Vehicle repair, minor							C	C		<a href="#">1262.08(h)(3)</a>
Vehicle service stations							C	C		<a href="#">1262.08(h)(4)</a>
Vehicle wash facilities							C	C		<a href="#">1262.08(h)(5)</a>
<b>Waste Processing and Disposal</b>										
Recycling collection and/or processing facility (non-hazardous)		C							C	
<b>Other</b>										
Mortuaries and funeral homes						C	C			<a href="#">1262.08(a)(2)</a>
Outdoor market or covered bazaar		P								
Radio, television and recording studios		P				C	P	P	P	

Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section [1242.06](#)



[1242.06](#)

1 Home occupations are permitted in all Residential Districts and the E-I and B-1 Districts, subject to issuance of a permit by the Zoning Administrator to verify compliance with the conditions of Section [1262.08\(e\)\(5\)](#).

What Are The Insurance Requirements For A Pool Fence?

Posted by [Dawn Lowndes](#)

Tue, Oct 12, 2010

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Many insurance companies have different requirements when it comes to pool fence specifications. One thing is certain; **all insurance companies require a fence around pools to reduce liability.**



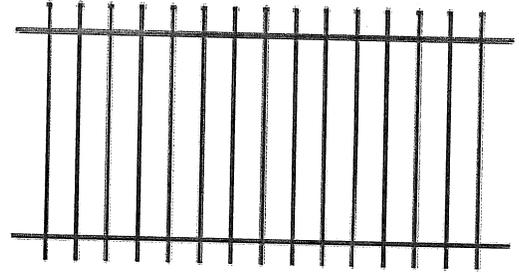
What I mean by pool fence requirements is that the height, material, size and spacing specifications may vary with each insurance company. Most of the insurance conditions depend heavily on the locality in which the pool and fence is being installed.

It is very important to keep in mind that though the insurance provider or locality requires you to have a specific fence installed, you must also check with any [Homeowner's Association \(HOA\)](#) and the [Building Owners and Code Administrators \(BOCA\)](#).

A growing number of people are aware of current code which requires that a pool fences must be at least 48 inches tall. This is good, however some insurance companies recommend that you do at least a 6 foot high fence, if allowed by the HOA and your locality, in the hope of reducing any risks that may be associated with the insured's pool. Additionally, many insurance companies require the homeowner to have a pool gate with a lock to keep unwelcome swimmers out. Gates of pools must also meet specific [pool gate codes](#). Please note that if you have a fence that has been installed that does not meet BOCA, locality or HOA specifications you may required tearing it right back down.

**DO YOUR HOMEWORK!**

Spacing for fence cross bars (laterals) is another key issue for insurance companies and BOCA. Be aware of the 45-inch rule! Because pool owners are told they need at least a 48 inch tall fence they are often left unaware of the 45-inch minimum space separation on the lateral bars to be in compliance. This is only applicable if the vertical pickets are more than 2 inches but less than 4 inches apart. This may sound very vague, but the goal of this spec is to prohibit fence climbers from gaining a foothold to leap across the fence. If you are installing a spear top fence (right) to adhere to the 45-inch vertical spacing rule, you must actually install a 60 inch high fence to meet code. You could choose to have a flush bottom rail or a modified bottom rail, but just remember the spacing between the bottom rail and the middle rail must be at least 45-inches.



As always, there are exceptions to the 45-inch rule. Generally you must check your local codes to verify that this does indeed apply to you; if the spacing between the upright pickets is less than 2 inches, the rule no longer applies.

Are you totally confused yet? The Building Officials and Code Administrators (BOCA) outline strong safety measures for swimming pool safety fences. Many communities have adopted these standards as their own in a effort to reduce and eliminate the possibility of drowning of children.

The most important things to remember when installing a pool fence are:

- The fence must be at least 48" tall
- The mid-rail must be at least 45" above the bottom rail
- The spacing between pickets must be less than 4"
- The spacing between the bottom rail and the ground must be less than 4"
- The gates must be self-closing and self latching
- The gate needs to open out and away from the pool area
- The opening mechanism must be at least 54" above ground.

### Find Out if Your Homeowners Insurance Covers Swimming Pools:

Michael Carey



Michael Carey  
Michael Carey Insurance Agency

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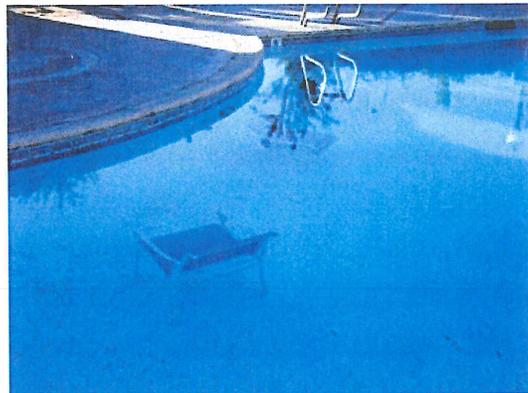
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## Find Out if Your Homeowners Insurance Covers Swimming Pools:

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A client called me the other day about their leaking swimming pool. A pool repair company said the leak was a slow leak, underground in the piping somewhere. She asked me if the leaking swimming pool pipe is covered. I told her your homeowner's insurance policy

may cover personal liability for personal injury to guests or visitors using your swimming pool however it would not cover damage to the swimming pool itself.

Standard homeowners insurance policies cause of losses are fire, lighting, wind, hail, riot, theft vandalism, explosion, and smoke damage.

Most damage to in-ground pools consists of cracking from ground movement or maintenance type issues to pool equipment, which most likely will not be covered by a standard home insurance policy.

With the hot and dry summer we are having, cracked pools caused by ground movement could be big problem for many homeowners. Pools and the repairs are typically not covered under a homeowner's insurance policy.

Damage caused to pool equipment by lightning, theft, vandalism or freezing of pipes typically is covered on most home insurance policies.

If in doubt about whether to file a claim or not, I always ask my clients to submit a claim. Then I typically meet with my client and the assigned claims adjuster. Claims adjusters are claims specialists! Farmer's [claims adjusters](#) are highly trained at [Farmers University](#) in Southern California.

Many insurance companies will not insure a homeowner who has a swimming pool, which has a diving board or slide; before you add either to your pool check with your insurance agent.

Most insurance companies will also require a swimming pool to be completely surrounded by a fence with a self-latching gate.

Some insurance companies will insure a homeowner who has a swimming pool, which has a diving board or slide but will require the homeowner to sign an exclusion, which eliminates coverage for bodily injury relating to the diving board or slide. This would mean the insurance policy would not provide coverage for a diving board or slide related injury.

If you have a homeowner's policy, a renter's policy, or a condominium homeowner's policy, which provides personal liability coverage there should be coverage available for bodily injury to someone other than residents of the insured home if they are injured while on your property including swimming, diving, or sliding into your back yard swimming pool.

A homeowners association and apartment complex will have their own liability insurance for their community pools. However theoretically; if you invite a guest to your apartment or condominium, your guest has an injury at the community pool, and they get a bodily injury trial attorney, the trial attorney could go after you and the complex you live in. Liability insurance is very affordable. Have high liability coverage on your renter or condominium policy.

The personal liability coverage should cover medical costs for the injured party including emergency room, ambulance charges and follow-up medical visits. If sued the homeowner insurance policy's personal liability coverage should also provide defense of the suit. In my opinion, the higher liability limits you have the better attorney representation you will receive from your carrier in the event of a covered law suit.

I recommend that anyone with a swimming pool have high homeowner liability insurance limits starting at \$500,000 plus a personal umbrella policy. Personal