

1173.06 REGULATION OF ACCESSORY USES AND BUILDINGS.

It is the purpose of Section 1173.06, inclusive of this Ordinance, to regulate accessory uses in order to promote the public health, safety and welfare. It is the intent of this Section to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties. This Section shall apply to the location and maintenance of accessory uses as herein defined. A Zoning Permit is required. (Ord. 99-45. Passed 7-13-99.)

A. General Requirements

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall not contain or be used as a dwelling unit.
2. It shall not exceed fifteen feet (15') in height.
3. It shall meet all yard requirements of the principal use, except as modified by the District Regulations in Chapters 1151 through 1167.
4. An accessory building may be detached from the principal building or erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure.
5. Except as provided in Section 1173.09, accessory buildings shall only be erected in a rear yard, and shall not occupy more than thirty-five percent (35%) of the rear yard.
(Ord. 2000-52. Passed 6-20-00.)
6. All accessory buildings shall be erected at least six feet from any dwelling which it is not an integral part of and shall be at least six feet from any other accessory building, and shall be at least five feet from all lot lines of any adjoining lot within any R District. No part of any accessory building shall be erected on any lot at a distance greater than 250 feet from the street right-of-way line located at the front of the lot.
(Ord. 2001-71. Passed 9-4-01.)

1173.032 SWIMMING POOLS.

A. Private Swimming Pools

No private swimming pool ("pool"), exclusive of portable swimming pools with a diameter less than twelve feet (12') or with an area of less than one hundred square feet (100 sf.), shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located. A pool will be considered an accessory use to the main structure.
2. A pool may not be located closer than ten feet (10') to any property line, except in an R-1 District where that minimum distance shall be six feet (6'). That distance shall be measured from the water's edge and shall not restrict fences, ground level patios, pumps, and similar pool accessories not requiring separate permits.

3. Elevated decks for above-ground pools shall not be located closer than ten feet (10') to the property line.
4. The swimming pool or the entire property behind the front building on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of the pool are four feet (4') in height or more above grade. The fence or wall shall not be less than six feet (6') in height, shall be separate from the wall of the pool, and maintained in good condition with a gate and lock. Those above ground pools higher than four feet (4') from the base of the pool wall upward shall be secured by a locked entrance.
5. Before construction commences, the petitioner shall obtain a zoning permit under Chapter 1133, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid.
6. Pools, including above-ground pools, may not be located in the front yard of the lot without a variance from the Board of Zoning Appeals.

1173.016 FENCES AND WALLS.

- A. No fence shall exceed thirty inches (30") in height between the street right-of-way line and the building setback lines. No fence shall exceed six feet (6') in height above the elevation of the surface of the ground when located in any required rear yard or side yard. (Ord. 2000-61. Passed 7-11-00.)
- B. Supporting members for walls and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance on both sides of the fence or wall.
- C. Maintenance: Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, or safety of the public.
- D. Permits: No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Inspector who shall review each request to determine its compliance with this Chapter. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land.
- E. Variances: Any deviation from this Ordinance must be approved by the Board of Zoning Appeals under the provisions of Section 1137.02. The Board of Zoning Appeals shall consider, in ruling upon such request, the criteria referred to in Section 1137.02.