

ORDINANCE NO.: 2019-05

INTRODUCED BY: Mr. Buczek

AN ORDINANCE AMENDING SECTION 1171.03, "SWIMMING POOLS," AND SECTION 1313.13, "BUILDING PERMIT APPLICATION; ISSUANCE RESTRICTIONS; CONFLICT WITH ZONING," OF THE CODIFIED ORDINANCES TO CLARIFY APPROVAL PROCEDURES FOR SWIMMING POOLS AND TENNIS COURTS

WHEREAS, Section 1323.02, "Permit Application; Approval of Plans," of the Building Code provides that no swimming pool shall be installed or altered until the Building Commissioner has approved the plans and specifications and granted a building permit; and

WHEREAS, subsection (b) of Section 1313.13, "Building Permit Application; Issuance Restrictions; Conflict with Zoning," of the Building Code states that the plans, drawings and specifications for tennis courts and swimming pools do not require Planning Commission approval; and

WHEREAS, in conflict with the foregoing, subsection (g) of Section 1171.03, "Swimming Pools," of the Planning and Zoning Code requires the Planning Commission to approve the plans and specifications for the construction or alteration of a swimming pool; and

WHEREAS, also in conflict with the foregoing, subsection (o) of Section 1151.13, "Accessory Uses and Structures," of the Planning and Zoning Code and Section 1333.01, "Tennis Courts," of the Building Code require the plans and specifications of tennis courts and other play areas to be approved by the Planning Commission; and

WHEREAS, the Building Commissioner has recommended that subsection (g) of Section 1171.03 of the Planning and Zoning Code be amended to be consistent with Sections 1323.02 and 1313.13 of the Building Code and permit the Building Department to approve the plans and specifications for swimming pools administratively; and

WHEREAS, the Building Commission has also recommended that subsection (b) of Section 1313.13 of the Building Code be amended to be consistent with Sections 1151.13(o) and 1333.01 of the Codified Ordinances which require the plans and specifications for tennis courts and other play areas to be approved by the Planning Commission; and

WHEREAS, the Planning Commission, after holding a public hearing as required by Section 1133.09, has recommended that Council amend subsection (g) of Section 1171.03 of the Planning and Zoning Code to permit the Building Department to approve the plans and specifications for swimming pools administratively and also amend subsection (b) of Section 1313.13 of the Building Code to remove the exemption of tennis courts from Planning Commission approval; and

WHEREAS, this Council, after holding a public hearing as required by Section 1133.17, determines that it is in the best interest of the Village to amend subsection (g) of Section 1171.03 and subsection (b) of Section 1313.13 of the Codified Ordinances as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA AND STATE OF OHIO THAT:

Section 1. Existing subsection (g) of Section 1171.03, "Swimming Pools," of the Codified Ordinances, be amended to read as follows:

"1171.03 SWIMMING POOLS.

A private swimming pool is any pool, lake or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one (1) foot. No such swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in a zoning district except as permitted in this Code, unless it complies with the following additional requirements:

* * *

(g) No swimming pool shall be hereafter constructed or established until the Building Inspector has evidenced his approval upon the plans and specifications and has granted a permit therefor. ~~unless a development plan has been approved by the Planning Commission and a permit to do so has been obtained from the Building Inspector.~~

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Section 2. Existing subsection (g) of Section 1171.03, "Swimming Pools," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. Existing subsection (b) of Section 1313.13, "Building Permit Application; Issuance Restrictions; Conflict with Zoning," of the Codified Ordinances, be amended to read as follows:

"1313.13 BUILDING PERMIT APPLICATION; ISSUANCE RESTRICTIONS; CONFLICT WITH ZONING.

* * *

(b) After review of all plans, drawings, specifications and other data by the Architectural Reviewer under Section 1315.03, in addition to all plans, drawings, specifications and other data submitted to the Building Inspector for the construction, enlargement or remodeling of all buildings, such plans, drawings, specifications and other data shall be submitted to the Planning Commission for its approval, not including those for ~~tennis courts or~~ swimming pools.

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Section 4. Existing subsection (b) of Section 1313.13, "Building Permit Application; Issuance Restrictions; Conflict with Zoning," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 5. The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest time allowed by law.

Placed on First Reading and Referred to the Planning Commission February 6, 2019
Planning Commission held a Public Hearing and made a recommendation to Council 3/4/19
Placed on Second Reading March 13, 2019
Placed on Second Reading 4/10/19

Justin Clende, Mayor
Mayor

PASSED: May 8, 2019

ATTEST:
Shri Gupta
CLERK