

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO July 12, 2016

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| Meeting | Chairman, Stacy Wall called the meeting of the Tipp City Planning Board to order at 7:30 p.m. |
| Roll Call | Roll call showed the following Board members present: Stacy Wall, Andrew Thornbury, Jamie DeSantis, and Vonda Alberson. Others in attendance: Zoning Administrator Matt Spring, and Board Secretary Dawn Gross. |
| Approval of Minutes – June 14, 2016 | Ms. Wall stated she had one amendment to the Meeting Minutes. At the end under Board Comments, where it is stated the individual board member “attended” change to the individual board member “reported” about the City Council Meeting, this is a clearer approach. Ms. Wall moved to approve the minutes of the June 14, 2016 meeting as amended. Ms. DeSantis seconded the motion. Motion passed 3-0. Mr. Thornbury abstained from the vote. |
| Items Not on the Agenda | There were no comments on items not on the agenda. |
| Oath | Mrs. Gross swore in Mr. Spring. |
| <u>New Business</u> | |
| Public Hearing - Zoning Code Amendment | On June 24, 2016, the Tipp City Zoning Administrator set a Public Hearing for this evening regarding a request from the City of Tipp City to consider a requested Zoning Code amendment regarding the definition and associated requirements for swimming pools, hot tubs, and spas. Staff notes that this Public Hearing was set administratively with public notice published pursuant to law. General: <ul style="list-style-type: none">• Staff has discovered inconsistencies between the definition of swimming pools, hot tubs, and spas (outdoor) and the associated Code requirements for swimming pools, hot tubs, and spas.• The current <u>definition</u> of swimming pools, hot tubs, and spas (outdoor) states: <i>A water filled enclosure, permanently or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 36 inches, designed, used and maintained for swimming or bathing by the residents, tenants, or occupants of the subject property.</i>• The current <u>Code requirements</u> for of swimming pools, hot tubs, and spas include: <i>Any swimming pool, hot tub, or space that has water with a depth of one and one-half feet or more shall be subject to the standards of this subsection including pools that are designed to be temporary in nature.</i>• The definition noted above references both above ground and in-ground pools, and |

provides different water depth requirements for each (18" & 36" respectively). Whereas the Code requirements section does not differentiate between above ground and in-ground pools, and references only one depth (18").

Proposal:

Staff recommends a Zoning Code text modification in order to rectify the above noted discrepancies and provide a consistent basis for the administration and enforcement of the Code.

The Tipp City Zoning Code consultant (Wendy Moeller – Compass Point Planning) recommended that the water depth be standardized at 24" (2 feet) in conjunction with the International Building Code for barrier requirements. Ms. Moeller also noted that references to "above-ground versus in-ground" be removed as the operative factor **was** water depth and not whether the pool, spa or hot tub was "above-ground or in-ground".

Additionally, Ms. Moeller suggested that fencing requirements for "spas and hot tubs" could be waived if the owner/applicant provided a lockable cover for the spa or hot tub. Staff has provided draft legislation (attachment "A") that accomplishes the above noted purposes and goals.

Zoning Text or Map Amendment Review Criteria:

Code 154.03(C)(5) states:

Recommendations and decisions on zoning text or map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (a) *The proposed amendment is consistent with the comprehensive plan, other adopted city plans, and the stated purposes of this code;*

It is the opinion of staff that the proposed Code amendment is consistent with the comprehensive plan, other adopted city plans, and the stated purposes of this code.

- (b) *The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;*

It is the opinion of staff that the proposed Code amendment is necessary to provide consistency and administration of the Zoning Code.

- (c) *The proposed amendment will promote the public health, safety, and general welfare;*

It is the opinion of staff that the proposed amendment would be promote the general welfare of Tipp City by clarifying the definition of, and requirements for, owners (and potential owners) of swimming pools, hot tubs, and spas.

- (d) *The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;*

n/a. The proposed amendment is not a zoning map amendment.

- (e) *The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or*

The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation.

- (f) *The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.*

n/a. The proposed amendment is not a zoning map amendment, and thus there is no "subject tract" of property to be considered.

Ms. Wall asked for questions of Mr. Spring, there were none.

Ms. Wall then stated, "We technically should have made a Motion to Open the Public Hearing. Since no one from the Public is present, and Mr. Spring was sworn in, Ms. Wall will take a motion to close the public hearing for record." **Ms. Alberson made a motion to close the Public Hearing.** Ms. DeSantis seconded. **Motion passed 4-0.**

Ms. Wall asked how the zoning discrepancy was found, was there a specific case this arose from? Mr. Spring replied, No, he had received a telephone call from a citizen, who had received our tri-fold pamphlet and she was specifically noting the differences between an in-ground and above ground pool, and it was not making sense, this prompted the change being brought forth tonight.

Ms. Wall said it made sense to her to make it consistent with the Code requirements and she also thinks it is ok to waive the fencing requirements with a locked top, especially since the City is not the only one making the determination, it could also be the homeowner's insurance that requires the fencing. Mr. Spring added, that has been a practice with the Zoning department

Ms. Alberson noted there was a misspelled word in Section 2, she thinks it is to read "any swimming pool, hot tub, or spa" instead of "any swimming pool, hot tub, or space". Mr. Spring stated this is a typo in the actual Code, we will line out the C and E in Section 2. Ms. Alberson asked, is this something that there is active enforcement of? Mr. Spring replied, any time a new application for a pool would come in we essentially require the pool and fence be applied for at the same time. If someone were to purchase a small portable type pool those are handled on a case by case basis, especially based on complaints.

Ms. Wall asked for further questions or comments. There were none.

Ms. DeSantis **moved to recommend forwarding a positive recommendation to City Council on draft legislation regarding the definition and associated requirements for swimming pools, hot tubs, and spa.** Ms. Alberson seconded. **Motion passed 4-0.**

Old Business

There was no old business to discuss.

Miscellaneous

City Council
Reports –
June 20, 2016

Mr. Thornbury reported there was nothing that related directly to the planning board.

Upcoming City
Council
Meetings –
June 18, 2016

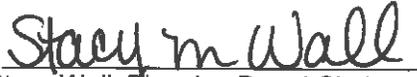
Ms. DeSantis will attend the July 18, 2016 City Council Meeting.

Staff
Comments

Ms. Wall asked for further comments from Staff. Mr. Spring replied "No". He does anticipate a meeting on the Comprehensive Plan within the next few weeks at the latest.

Adjournment

Mr. Thornbury **moved the meeting be adjourned.** Ms. Alberson seconded the motion.
Ms. Wall declared the meeting adjourned at 7:42 pm.


Stacy Wall, Planning Board Chairman

Attest: 
Dawn Gross, Board Secretary