

## SWIMMING POOL ZONING APPLICATION GUIDE

### SUBMISSION PROCEDURE

- Submit the completed application packet with payment (per the fee schedule) to the Planning & Zoning Department (checks payable to City of Tallmadge).

**The application packet, must include the following:**

- Completed application (2 pages) signed by the applicant.
- Site Plan showing placement of the proposed swimming pool and all existing structures  
Must show dimensions of property, easements and/or Riparian setbacks if applicable, all structures on property and proposed structure with measurements to property lines.
- Elevated Building plan for pool or picture of pool / brochure showing safety features (locking gates, etc.).
- Fence Application, if necessary.
- Backflow preventer device requirement, if necessary.
- Any additional documents, as applicable.

### SWIMMING POOL STANDARDS

- A Zoning Permit is required for any swimming pool (In-Ground or Above-Ground) installation. The following are standards for private residential outdoor swimming pool installations. These are in addition to any requirements set forth per Summit County Department of Building Standards.
- It is the property owner's responsibility to locate property lines and to verify compliance with any homeowner's association and/or deed restrictions, when applicable.
- When the project is staked out or placed on property, call 330-633-0090 for inspection for Zoning compliance.
- Per TCO 926.06 Backflow Protection, the Director of Public Service may require the installation of an approved backflow prevention device if there is determination of a backflow or cross connection concern.
- The construction sites for in-ground pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time that the permanent barrier is completed. The fencing shall be no less than 4' in height.

**Zoning Code Section 1104.08 (U) (1) Swimming Pool: Private Residential Outdoor, Above and In-ground**

- Pools shall comply with the latest edition of the International Residential Code/ International Swimming Pool and Spa Code (ISPS). (See excerpts following in this document)
- Portable or temporary pools with a maximum width of 12 feet and which is less than 100 square feet in area shall only be permitted in the residential zoning districts and shall comply with all other requirements for private swimming pools in this section.
- All above ground swimming pools with a wall height four (4) feet or more shall be secured with one of the following:
  - (a) The pool shall have steps or a ladder that swings up and locks in place off the ground or removed when the pool is unattended,
  - (b) the pool platform or deck has a gate with a locking device to prevent uncontrolled access from adjacent properties, or
  - (c) the pool area or the entire property on which it is located shall be enclosed with a wall or fence having a minimum height of four (4) feet and be equipped with a gate and locking device that is securely latched to prevent uncontrolled access from adjacent properties.
- All enclosures shall be maintained in good condition. All above ground swimming pools less than forty-eight (48) inches in height but more than twenty-four (24) inches in height shall be covered when not in use to prevent uncontrolled access.
- Swimming pools two (2) feet or less shall not be regulated.
- When necessary, pools may be drained onto natural ground at a metered rate as to allow the water to percolate into the soils. However, if it is adversely affecting adjacent properties then the pool must be discharged directly to the storm sewer. Such discharge shall only be permitted when the chlorine residual is below the lowest measurable value of the typical home test kit (usually 0.5 mg/L chlorine). (TCO 1327.10 (a)(8))
- Pools shall be setback a minimum of 10' from the side lot line and 25' from the rear lot, unless setbacks are platted differently.
- Any electrical or plumbing permits are to be acquired from Summit County Department of Building Standards at 1030 E. Tallmadge Avenue, Akron, Ohio (330-630-7280)

## INTERNATIONAL SWIMMING POOL & SPA CODE

*Sections 101.3, 202 (five definitions) and 305. Excerpted from 2021 International Swimming Pool and Spa Code: Copyright 2020. Washington D.C.: International Code Council. Reproduced with permission. All rights reserved. www.ICCSAFE.org*

**101.3 Purpose.** The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health, property protection, and general welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas.

### **202 DEFINITIONS:**

**EXERCISE SPA (Also known as swim spa)** Variants of a spa in which the design and construction includes specific features and equipment to produce a water flow intended to allow recreational physical activity including, but not limited to, swimming in place. Exercise spas can include peripheral jetted seats intended for water therapy, heater, circulation and filtration system, or can be a separate distinct portion of a combination spa/exercise spa and can have separate controls. These spas are of a design and size such that they have an unobstructed volume of water large enough to allow the 99th Percentile Man as specified in APSP 16 to swim or exercise in place.

**ONGROUND STORABLE POOL.** A pool that can be disassembled for storage or transport. This includes portable pools with flexible or nonrigid walls that achieve their structural integrity by means of uniform shape, a support frame or a combination thereof, and that can be disassembled for storage or relocation.

**RESIDENTIAL SWIMMING POOL (Residential Pool).** A pool intended for use that is accessory to a residential setting and available only to the household and its guests. Other pools shall be considered to be public pools for purposes of this code.

**SAFETY COVER.** A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

**SPA.** A product intended for the immersion of persons in temperature-controlled water circulated in a closed system, and not intended to be drained and filled with each use. A spa usually includes a filter, an electric, solar or gas heater, a pump or pumps, and a control, and can include other equipment, such as lights, blowers, and water-sanitizing equipment.

### **305.1 GENERAL**

The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable *safety cover* complying with ASTM F1346 and swimming pools are equipped with a powered *safety cover* that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

**305.1.1 Construction fencing required.** The construction sites for in-ground pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time that the permanent barrier is completed. The fencing shall be no less than 4 feet in height.

### **305.2 Outdoor Swimming Pools and Spas**

Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

#### **305.2.1 Barrier Height and Clearances**

Barrier heights and clearances shall be in accordance with all of the following:

#### **305.2.2 Openings**

Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

#### **305.2.3 Solid Barrier Surfaces**

Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

#### **305.2.4 Mesh Fence as a Barrier**

Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.
3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall be not greater than 4 inches (102 mm) from grade or decking.
4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring-actuated retaining lever such as a safety gate hook.
5. Where a hinged gate is used with a mesh fence, the gate shall comply with Section 305.3.
6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.

7. Mesh fences shall not be installed on top of onground residential pools.

**305.2.5 Closely Spaced Horizontal Members**

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.

**305.2.6 Widely Spaced Horizontal Members**

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 13/4 inches (44 mm).

**305.2.7 Chain Link Dimensions**

The maximum opening formed by a chain link fence shall be not more than 13/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 13/4 inches (44 mm).

**305.2.8 Diagonal Members**

Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 13/4 inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

**305.2.9 Clear Zone**

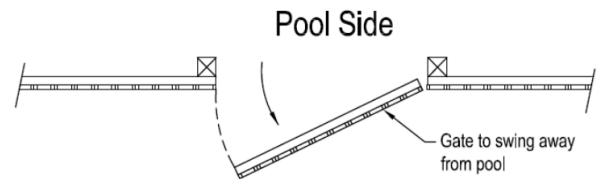
There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

**305.2.10 Poolside Barrier Setbacks**

The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.

**305.3 Gates**

Access gates shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.



**305.3.1 Utility or Service Gates**

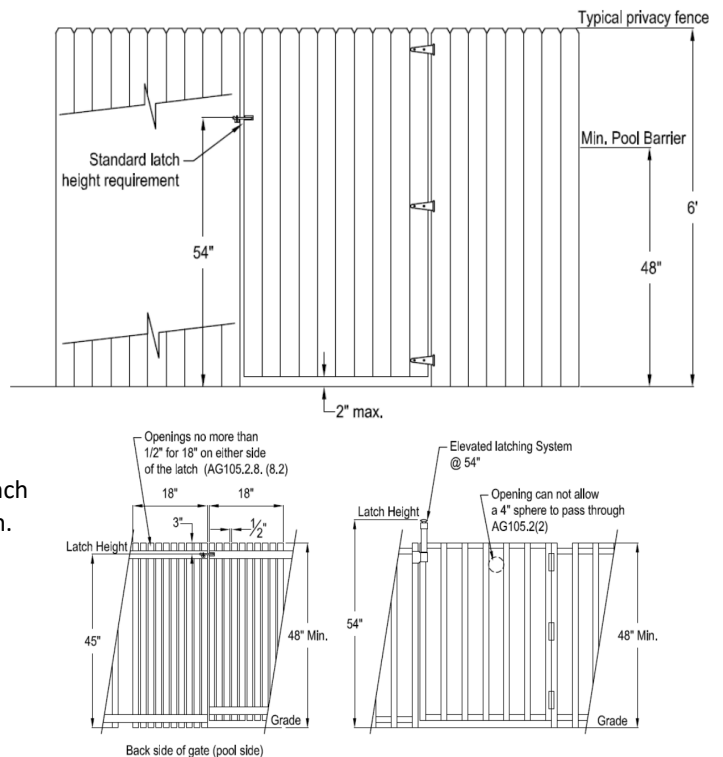
Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

**305.3.2 Double or Multiple Gates**

Double gates or multiple gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Section 305.3.3.

**305.3.3 Latches**

Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the pool or spa side of the gate not less than 3 inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.



### 305.4 Structure Wall as a Barrier

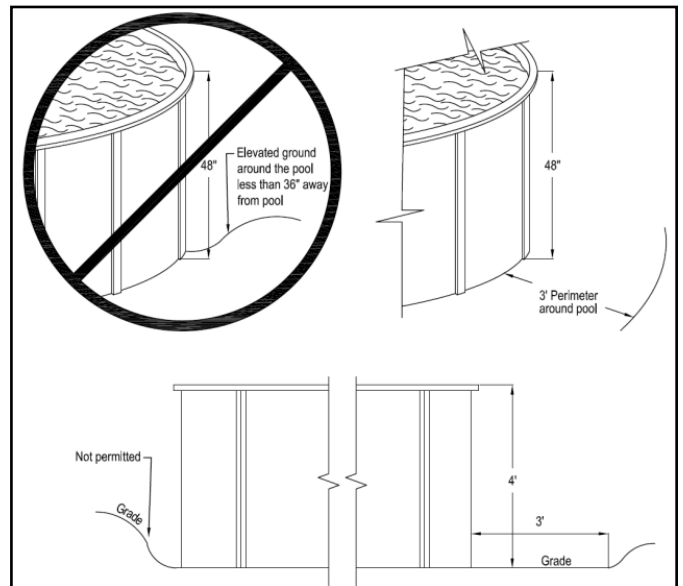
Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
2. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.
3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

### 305.5 Onground Residential Pool Structure as a Barrier

An onground residential pool wall structure or a barrier mounted on top of an onground residential pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.
3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 305.
4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of onground residential pool walls are installed in accordance with the pool manufacturer's instructions.



### 305.6 Natural Barriers

In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa

### 305.7 Natural Topography

Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections 305.2 through 305.5.



PLANNING & ZONING DEPARTMENT | 46 NORTH AVE, TALLMADGE, OH 44278 | P 330.633.0090 | F 330.633.1359 | ZONING@TALLMADGE-OHIO.ORG | WWW.TALLMADGE-OHIO.ORG

OFFICE USE ONLY			
RCT		FEE	
<input type="checkbox"/> PZ	<input type="checkbox"/> SVC	<input type="checkbox"/> STR	<input type="checkbox"/> UTIL <input type="checkbox"/> ENG <input type="checkbox"/> B/C

# PLANNING & ZONING CERTIFICATE APPLICATION

## BASIC APPLICATION REQUIREMENTS (See the appropriate application guide for any additional requirements)

- Completed & Signed Application Form     Application Fee     Plot Plan     Building Plan     Additional per Application Guide

## APPLICATION TYPE (Check all that apply)

SITE DEVELOPMENT		DEVELOPMENT	USE PERMIT
<input type="checkbox"/> Residential Construction	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Preliminary Plat/RePlat	<input type="checkbox"/> Use & Compliance
<input type="checkbox"/> Non-Residential Construction	<input type="checkbox"/> Signage	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Demolition	<input type="checkbox"/> Engineering Review	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Similar Use

## PROJECT DETAILS

PROJECT: \_\_\_\_\_

PROJECT ADDRESS/LOCATION \_\_\_\_\_

EXISTING CONDITIONS	PROPOSED PROJECT DETAILS, WHERE APPLICABLE
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ACREAGE: \_\_\_\_\_ NO. OF LOTS \_\_\_\_\_ SQ.FT OF PROPOSED STRUCTURE: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_ PROPOSED ZONING DISTRICT: \_\_\_\_\_

EXISTING LAND USE: \_\_\_\_\_ PROPOSED LAND USE \_\_\_\_\_

CHECK ALL THAT APPLY AND PROVIDE DOCUMENTATION: \_\_\_\_\_ EST COST (TRACKING PURPOSE ONLY): \_\_\_\_\_

- EASEMENT     FEMA FLOODPLAIN     RIPARIAN     WETLANDS

## CONTACT INFORMATION

**Applicant** \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

**Architect/Engineer/Surveyor/Other:** \_\_\_\_\_

Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

**Owner** \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

**Architect/Engineer/Surveyor/Other:** \_\_\_\_\_

Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

## SIGNATURES & ENDORSEMENTS

\_\_\_\_\_ I UNDERSTAND THAT I MUST CONTACT SUMMIT COUNTY DEPARTMENT OF BUILDING STANDARDS (330-630-7280) TO VERIFY BUILDING DEPARTMENT REQUIREMENTS FOR APPLIED PROJECTS.

\_\_\_\_\_ I UNDERSTAND THAT I MUST CONTACT THE CITY OF TALLMADGE ZONING DEPARTMENT WHEN THE PROJECT IS STAKED OUT FOR SETBACK COMPLIANCE. I AM RESPONSIBLE FOR DETERMINING PROPERTY LINES AND MAINTAINING THE APPROVED SETBACKS.

The undersigned hereby certifies that the information in and with this application is accurate, and consents to employees and/or agents of the City entering the premises for inspection verification of the information submitted.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

OFFICE USE ONLY	
REVIEWED BY:	DATE:
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/> DENIED

# SWIMMING POOL ZONING APPLICATION

**PROPERTY LOCATION:** \_\_\_\_\_

Use:  Residential  Commercial  Industrial

As applicable:  PZC Approval  BZA Approval  HC Approval Date Granted: \_\_\_\_\_

## PROJECT DETAIL

Is the property on a Corner?  Yes  No

## STRUCTURE DETAILS

Describe the purpose of the Project

Structure measurements (including roof overhang):

Width of Structure: \_\_\_\_\_ ft

Length of Structure: \_\_\_\_\_ ft

Height from Grade: \_\_\_\_\_ ft

Existing Dwelling

Main/Ground Floor Area (Sq. Ft.) \_\_\_\_\_ sf

DWELLING	GFA* (sf)
1 STORY	sf
1 ½ STORIES	sf
2 STORIES	sf

*GFA-Gross Floor Area is the sum of the gross horizontal areas of all floors of a building, measured from exterior faces of the exterior walls of a building or from center line of a common wall separating two or more units of a building, including accessory storage areas, but not including space in cellars or basements.*

The determination of front, side and rear setbacks shall be determined by the lot configuration and relationship to the street or streets, and as illustrated below\*:

\*For other lot configurations see TCO 1110.07(C)

## SETBACKS

Locating property boundaries is the responsibility of the property owner. When unable to locate the boundaries, a survey by a certified surveyor should be completed.

Setbacks are measured from the property line to the closest point of the structure, which includes the roof overhang. All sides that front a street are considered front setbacks.

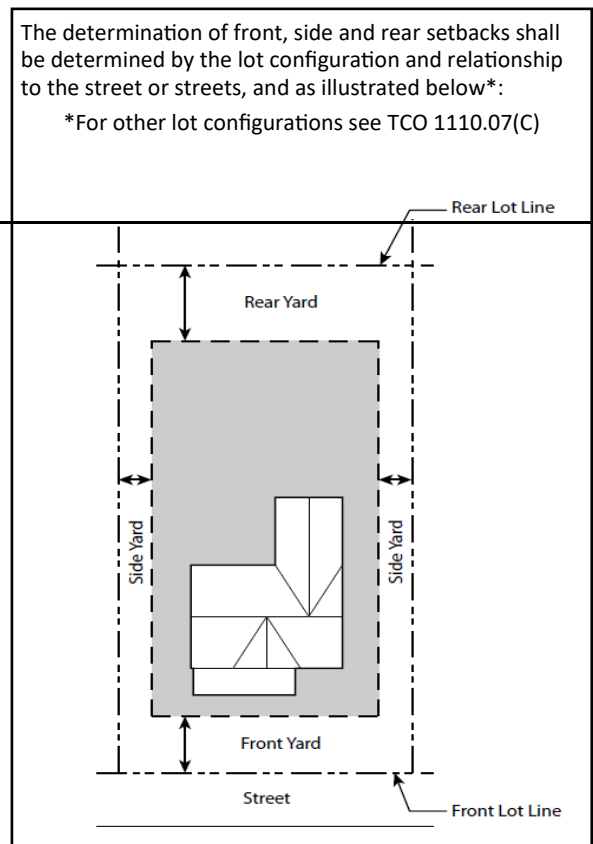
Left Setback \_\_\_\_\_ feet

Right Setback \_\_\_\_\_ feet

Rear Setback \_\_\_\_\_ feet

Front Setback \_\_\_\_\_ feet

Front Setback (corner lot) \_\_\_\_\_ feet



*Approvals are solely based on information and plans submitted and becomes void if altered without prior approval of the Planning & Zoning Department. A Zoning Certificate under which no work is commenced within one (1) year shall expire per Section 1102.07 H of the Zoning Code.*