

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-16-22

**TO AMEND SECTION 151.087; PERMITTED OBSTRUCTIONS
IN REQUIRED YARDS**

WHEREAS, Rules and Law Committee and the Building Administrator have reviewed several sections of the Mariemont Code of Ordinances; and

WHEREAS, the Committee has determined that Section 151.087 needs to be modified to include allowances for electrical generators and to make other minor changes; and

WHEREAS, Council believes it is in the best interest of the Village that Section 151.087 shall be amended to reflect said changes.

**NOW, THEREFORE, BE IT ORDAINED BY THE
COUNCIL OF THE VILLAGE OF MARIEMONT,
STATE OF OHIO, A MAJORITY OF THE
MEMBERS DULY ELECTED THERETO
CONCURRING:**

SECTION I. That Section 151.087 of the Mariemont Code of Ordinances which currently reads as follows:

**§ 151.087 PERMITTED OBSTRUCTIONS IN REQUIRED
YARDS.**

A required yard or court shall, at all times and in every part, be unobstructed by any permanent or temporary human-made object from its lowest point to the sky; however, the following obstructions shall be permitted:

- (A) Walks and driveways of normal and reasonable area;
- (B) Fences as permitted under this chapter;
- (C) Outdoor furniture that is readily movable, such as chairs, tables, lounges, and sun umbrellas;
- (D) Awnings or canopies above a door or window in a residential district; provided, such awnings or canopies do not extend into a required side yard more than four feet;
- (E) Heating, ventilating, refrigerating, condensing, or air-conditioning equipment, or combinations thereof may be placed in a required rear yard; provided, that there be no more than two such obstructions and that no such obstruction shall extend more than three feet above the ground at the point of the obstruction and that such obstructions do not occupy more than 12 square feet of the required rear yard, and further; provided, that such obstructions be placed as close to the residence for which the required rear yard is provided as is reasonably possible. Similar equipment may be permitted in any side yard but may not be placed closer to the side yard property line than the required side yard setback. No similar equipment is permitted in the front yard of any structure.

Utility meters may not be installed on the wall of any structure facing a street. Utility meters may be placed above grade on the side or rear wall of any structure;

(F) Self-contained window type air conditioning equipment not exceeding one ton capacity may project into a required yard for not more than two feet;

(G) The ordinary projection of chimneys, belt courses, cornices, and ornamental features; provided, that such obstruction shall not project more than 18 inches into a required yard. Bay windows may project not more than 24 inches into a required yard but may not occupy more than 20% of the wall length;

(H) Steps, slabs, covered and uncovered stoops, and platforms leading to an entrance door; provided, that no such obstruction shall project into a required side yard more than three feet or into a required front yard more than five feet;

(I) Paved patios, paved terraces, and decks may be erected in accordance with the following:

(1) When constructed more than six inches above the ground level, they may project not more than one foot, six inches in a required yard; provided, that those patios, terraces, or decks do not extend more than three feet above ground level at any point;

(2) When constructed less than six inches above the ground level, they may be no closer than the minimum side yard requirements less one foot, six inches to any side or rear property line except that patio, terrace, or deck may be no closer to a street lot line than the required sum of the side yards less one foot, six inches;

(3) Any paved patio, terrace, or deck may not be closer to the front property line than the required front yard setback for the principle structure less one foot, six inches; and

(4) Any paved patio, terrace, deck used as a sports area, or swimming pool shall be located no closer than 30 feet from any property line and shall not occupy more than the equivalent of 25% of the required rear yard, with the following exception: if such uses are clearly a subordinate use, such as a basketball pole on a driveway, they shall be subject to the minimum side yard setbacks for that property as specified in this chapter for the primary structure.

(J) (1) Play structures on residential property shall be located no closer than the minimum side yard setback permitted by this chapter for that property to any property line and shall not occupy, overhang, or project into more than the equivalent of 25% of the required rear yard; and

(2) Play structures shall be limited to having platforms or walking surfaces no higher than seven feet above grade, shall have a maximum height above grade to the highest point no greater than 14 feet.

(K) Tree houses on residential property shall be limited to having platforms or walking surfaces no higher than 15 feet above grade and shall be located

no closer than the minimum side yard setback permitted by this chapter for that property to any property line and shall not occupy, overhang, or project into more than the equivalent of 25% of the required rear yard; and

(L) Swimming pools shall adhere to the requirements set forth in division (I)(4) above and § [151.060\(A\)\(3\)\(b\)](#). (2000 Code, § 151.087) (Ord. O-4-96, passed 3-25-1996; Ord. O-8-98, passed 1-12-1998; Ord. O-12-06, passed 12-26-2006)

is hereby amended to read as follows:

§ 151.087 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.

A required yard or court shall, at all times and in every part, be unobstructed by any permanent or temporary human-made object from its lowest point to the sky; however, the following obstructions shall be permitted:

- (A) Walks and driveways of normal and reasonable area;
- (B) Fences as permitted under this chapter;
- (C) Outdoor furniture that is readily movable, such as chairs, tables, lounges, and sun umbrellas;
- (D) Awnings or canopies above a door or window in a residential district; provided, such awnings or canopies do not extend into a required side yard more than four feet;
- (E) Heating, ventilating, refrigerating, condensing, or back-up electrical generator equipment, or combinations thereof may be placed in a required rear yard; provided, that there be no more than two such (three if one is a back-up generator) obstructions and that no such obstruction shall extend more than four feet above the ground at the point of the obstruction and that such obstructions do not occupy more than 12 (16 if includes a back-up generator) square feet of the required rear yard, and further; provided, that such obstructions be placed as close to the residence for which the required rear yard is provided as is reasonably possible. Similar equipment may be permitted in any side yard but may not be placed closer to the side yard property line than the required side yard setback. No similar equipment is permitted in the front yard of any structure. Utility meters may not be installed on the wall of any structure facing a street. Utility meters may be placed above grade on the side or rear wall of any structure;
- (F) Self-contained window type air conditioning equipment not exceeding one ton capacity may project into a required yard for not more than two feet;
- (G) The ordinary projection of chimneys, belt courses, cornices, and ornamental features; provided, that such obstruction shall not project more than 18 inches into a required yard. Bay windows may project not more than 24 inches into a required yard but may not occupy more than 20% of the wall length;
- (H) Steps, slabs, covered and uncovered stoops, and platforms leading to an entrance door; provided, that no such obstruction shall project into a required side yard more than three feet or into a required front yard more than five feet;
- (I) Paved patios, paved terraces, and decks may be erected in accordance with the following:
 - (1) When constructed more than six inches above the ground level, they may project not more than one foot, six inches in a required yard;

provided, that those patios, terraces, or decks do not extend more than three feet above ground level at any point;

(2) When constructed less than six inches above the ground level, they may be no closer than the minimum side yard requirements less one foot, six inches to any side or rear property line except that patio, terrace, or deck may be no closer to a street lot line than the required sum of the side yards less one foot, six inches;

(3) Any paved patio, terrace, or deck may not be closer to the front property line than the required front yard setback for the principle structure less one foot, six inches; and

(4) Any paved patio, terrace, deck used as a sports area, or swimming pool shall be located no closer than 30 feet from any property line and shall not occupy more than the equivalent of 25% of the required rear yard, with the following exception: if such uses are clearly a subordinate use, such as a basketball pole on a driveway, they shall be subject to the minimum side yard setbacks for that property as specified in this chapter for the primary structure.

(J) (1) Play structures on residential property shall be located no closer than the minimum side yard setback permitted by this chapter for that property to any property line and shall not occupy, overhang, or project into more than the equivalent of 25% of the required rear yard; and

(2) Play structures shall be limited to having platforms or walking surfaces no higher than seven feet above grade, shall have a maximum height above grade to the highest point no greater than 14 feet.

(K) Tree houses on residential property shall be limited to having platforms or walking surfaces no higher than 15 feet above grade and shall be located

no closer than the minimum side yard setback permitted by this chapter for that property to any property line and shall not occupy, overhang, or project into more than the equivalent of 25% of the required rear yard; and

(L) Swimming pools shall adhere to the requirements set forth in division (I)(4) above and § [151.060\(A\)\(3\)\(b\)](#).

(2000 Code, § 151.087) (Ord. O-4-96, passed 3-25-1996; Ord. O-8-98, passed 1-12-1998; Ord. O-12-06, passed 12-26-2006;

SECTION II. That this Ordinance shall take effect at the earliest date allowed by law.

Passed: May 23, 2022

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of May 2022.

Anthony J. Borgerding, Fiscal Officer