

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-27-22

TO AMEND SECTION 151.087 OF THE MARIEMONT CODE OF
ORDINANCES PERTAINING TO PERMITTED OBSTRUCTIONS IN
REQUIRED YARDS AND RELATED DEFINITIONS, SECTION 151.005
REGARDING HOT TUB AND SPA

WHEREAS, Council for the Village of Mariemont has requested that the Village of Mariemont Building Administrator review our Code of Ordinances and determine which ordinances need to be updated; and

WHEREAS, the Building Administrator has coordinated with the Village Solicitor and the Planning & Zoning and Economic Development Committee regarding the changes he believes are appropriate; and

WHEREAS, the parties agree that Chapter 151.087 pertaining to Permitted Obstructions in Yards and related definitions, Section 151.005 Hot Tub or Spa, need to be updated.

**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. Code Section 151.087 Permitted Obstructions in Required Yards, which 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:

(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.

shall be 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:

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

(1) Paver patios and decks are not allowed in the required front yard, but can be located in the side and rear yards as follows:

- a. When located in the rear yard and less than 6" above grade, the edge of the patio can be no closer than 1ft from a neighboring property line, otherwise it must be no closer than 3ft.
- b. When located in a side yard and less than 6" above grade, the edge of the patio can be no closer than 1ft from a neighboring property line, if between 6" and 3ft above grade, it can be no closer than 3ft. If greater than 3ft above grade it must adhere to the side setback calculation as outlined in section 151.086 (c).

(2) Any feature incorporated into patio design (e.g. arbor, pergola, bench) that extends above 3ft from grade will be required to be setback as follows:

- a. Be no closer than 3ft to a property line when in the rear yard.
 - b. Adhere to setback requirements when in the side yard.
 - c. No feature can extend higher than 15ft in either the side or rear yard.
- (3) Patios must be constructed on a 4" deep compacted base and run-off from the patio area must be directed to a storm sewer or drainage swale, and not to a neighbor's property.
- (4) Any paved patio, terrace, or deck used as a sports area or as a 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.

(K) Hot Tubs and Spas are a permitted obstruction if satisfy the following requirements:

- (1) Rest on grade (on top of a paved surface or paver stones) or rests on an elevated deck designed for the load. A hot tub that is partially or fully below grade will be considered a swimming pool. A hot tub placed directly on soil/yard is not allowed.
- (2) Be less than 80 sq-ft in surface area. Area greater than 80 sq-ft will be considered a swimming pool.
- (3) Have a depth of water in any portion greater than 2ft but less than 4ft. Water levels less than 2ft will be considered a "kiddie pool" and are not regulated by this code. Water depths greater than 4ft will be considered a swimming pool.
- (4) Electrical supply not limited to support heating, pumping, recirculating, or sanitizing of water must be separately permitted thru IBI.
- (5) Equipped with a lockable cover when not in use or unsupervised or be contained inside an approved fencing as described in section 151.103(d) suitable for a swimming pool.
- (6) Located in the rear yard only, with additional requirements:

- a. No portion of the hot tub extends beyond the side walls of the principal structure nor closer than 10ft from a side neighbor property line.
- b. No portion of the hot tub extends further than 15ft from the principal residence rear facing wall
- c. No portion of the hot tub is closer than 10ft from the rear property line
- d. For corner lots, if hot tub is positioned along public street, a 6ft privacy fence is required per section 151.102.

(7) Additional landscaping or privacy fence feature may be needed as determined by the Building Department.

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

And related definitions regarding Hot Tub or Spa, Section 151.005 Definitions, shall be amended as follows:

§ 151.005 DEFINITIONS

Hot Tub or Spa: An artificial container of water designed with a mechanical air injection system and/or recirculating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

SECTION II. That in all other respects Sections 151.087 and 151.005 shall remain in full force and effect.

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

Passed: November 14, 2022

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, 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 15th day of November 2022.

Richard D. Ford, Fiscal Officer