

# Section 18-407 Swimming Pools and Outdoor Hot Tubs

## Proposed Amendments

**Issue:** The Town of Vienna zoning and subdivision ordinance requires pools be placed in a location that does not directly abut a neighboring principal structure. The combination of these requirements, as written in the 2024 Code, is not clear and creates the need for zoning variances in many contexts.

**Recommendation:** Discuss and adopt revisions to *Section 18-407 Swimming Pools and Outdoor Hot Tubs* that clarifies the setbacks that are based on the neighboring structures and those which are based on the property lines, and when they apply to corner and interior lots.

### Proposed Language:

The red line, showing the existing and proposed changes uses the following format:

- Text in **black** is unchanged from the adopted code.
- Text in **RED** is new text that is proposed to be added.
- Text in **RED with a STRIKE-THROUGH** is proposed to be removed.

### Recommended Zoning Code Text:

#### Section 18-407 Swimming Pools, Spas and Outdoor Hot Tubs

1. General regulations. A swimming pool, spa or hot tub shall:
  - a. Be located to the rear of the principal structure on the same lot.
  - b. Not occupy more than twenty-five (25) percent of the area of the yard to the rear of the principal structure.
  - c. From the edge of the water, be 10 ft. from the rear wall of the principal structure to the on the same lot, excluding decks and covered decks.
  - d. From the edge of the water, be 10 ft. from a side or rear property line.
  - e. Be within a fenced yard, within a pool fence, or an appropriate cover.
  - f. Spas or hot tubs shall have an appropriate cover.
  - g. See Chapter 19. Swimming Pools for more standards and requirements.
2. Interior Lots. The front edge of the swimming pool, spa or hot tub shall be no less than 5 (five) feet from an extension of the rear wall line of the principal building on the adjacent lots within 50 (fifty) feet of the edge of the water of the proposed pool, spa, or hot tub.
3. Corner Lots. A swimming pool, spa or hot tub shall:
  - a. From the edge of the water, be 35 ft. from the corner side yard,
  - b. From the edge of the water, be no less than 5 (five) ft. from an extension of the rear wall line of the principal building on adjacent lots with the same architectural frontage.
  - c. From the edge of the water, no closer than 10 (ten) feet from the interior side yard of the adjacent property with an architectural frontage on a cross street.
  - d. If the architectural frontage is unclear, the Zoning Administrator may determine the application of the setbacks and properties that will impact the pool location.

# Section 18-407 Swimming Pools and Outdoor Hot Tubs

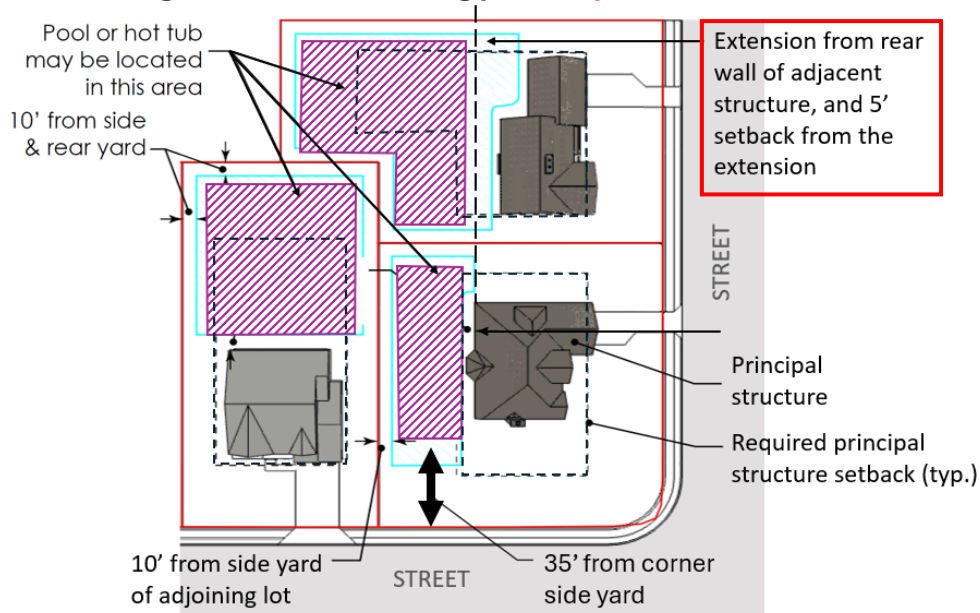
## Proposed Amendments

### Redline of Recommended Zoning Code Text:

#### Section 18-407 Swimming Pools, **Spas** and Outdoor Hot Tubs

1. **General regulations.** A swimming pool, spa or hot tub shall:
  - a. Be located ~~in the rear yard~~ to the rear of the principal structure on the same lot.
  - b. Not occupy more than twenty-five (25) percent of the area of the ~~rear yard to the rear of the principal structure.~~
  - c. ~~From the edge of the water,~~ be 10 ft. from the rear wall of the principal structure to the on the same lot, ~~excluding decks and covered decks.~~
  - d. ~~From the edge of the water,~~ be 10 ft. from a side or rear property line.
  - e. ~~Be within a fenced yard, within a pool fence, or an appropriate cover.~~
  - f. ~~Spas or hot tubs shall have an appropriate cover.~~
  - g. See Chapter 19. Swimming Pools for more standards and requirements.
2. **Interior Lots.** The front edge of the swimming pool, **spa or hot tub** shall be no less than 5 (five) feet from an extension of the rear wall line of the principal building on the adjacent lots ~~within 50 (fifty) feet of the edge of the water of the proposed pool, spa, or hot tub.~~
3. **Corner Lots.** A swimming pool, spa or hot tub shall:
  - a. ~~From the edge of the water,~~ be 35 ft. from the corner side yard,
  - b. ~~From the edge of the water, be~~ no less than 5 (five) ft. from an extension of the rear wall line of the principal building on adjacent lots ~~with the same architectural frontage.~~
  - c. ~~From the edge of the water,~~ no closer than 10 (ten) feet from the interior side yard of the adjacent property ~~with an architectural frontage on a cross street.~~
  - d. ~~If the architectural frontage is unclear, the Zoning Administrator may determine the application of the setbacks and properties that will impact the pool location.~~

**Proposed Revised Figure 4A.2 – Swimming pools, **spas**, and outdoor hot tubs standards**



# Section 18-407 Swimming Pools and Outdoor Hot Tubs

## Proposed Amendments

~~4.—The setbacks for swimming pools and outdoor hot tubs are based on the following criteria, and multiple criteria may apply:~~

<b>Criteria</b>	<b>Setback</b>
Located in rear yard	10 ft. min. from side or rear property line
Location in relation to principal structure	10 ft. min. from principal structure
Located near an alley	20 ft. min. from property line adjoining alley
Located on corner lot	35 ft. min. from corner side yard and 10 ft. min. from side yard of adjoining lot

~~5.—See Chapter 19. Swimming Pools for more standards and required permits.~~

## Zoning Code Text Adopted in 2024:

### Section 18-407 Swimming Pools and Outdoor Hot Tubs

1. A swimming pool or hot tub may be located only in the rear yard.
2. A swimming pool may occupy not more than twenty-five (25) percent of the area of the rear yard.
3. The front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots.
4. The setbacks for swimming pools and outdoor hot tubs are based on the following criteria, and multiple criteria may apply:

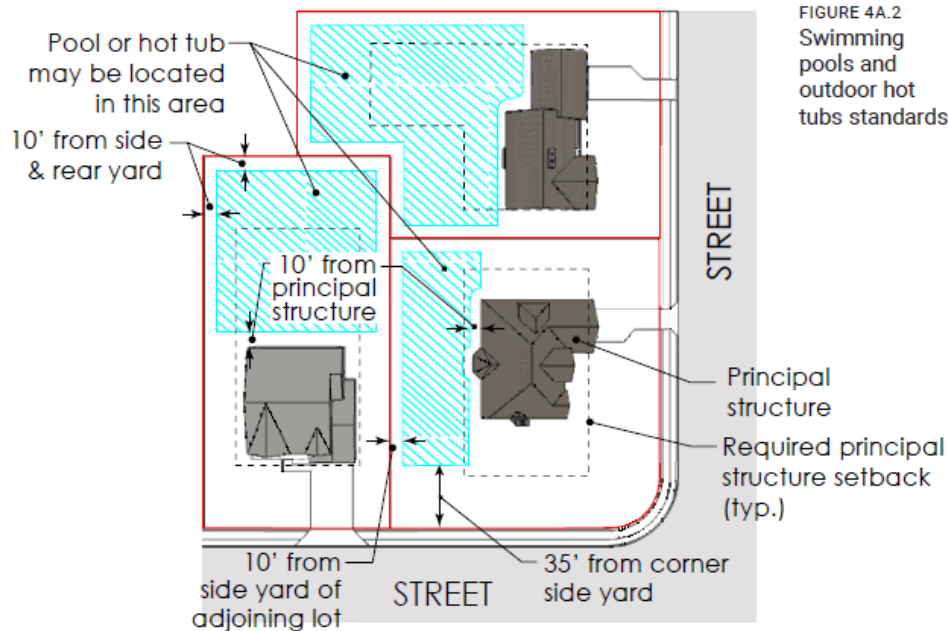
<b>Criteria</b>	<b>Setback</b>
Located in rear yard	10 ft. min. from side or rear property line
Location in relation to principal structure	10 ft. min. from principal structure
Located near an alley	20 ft. min. from property line adjoining alley
Located on corner lot	35 ft. min. from corner side yard and 10 ft. min. from side yard of adjoining lot

5. See Chapter 19. Swimming Pools for more standards and required permits.

# Section 18-407 Swimming Pools and Outdoor Hot Tubs

## Proposed Amendments

Current Figure 4A.2 – Swimming pools and outdoor hot tubs standards



### Prior Zoning Code Text:

#### Sec. 18-138.1. - Swimming pool; where to be located.

A family pool as defined in chapter 19 may be located only in the rear yard and shall not be closer than 20 feet to any alley line, and not less than ten feet from any side or rear lot line. (Code 1969, § 18-138.1; Ord. of 1-17-1972; Ord. of 9-24-1984; Ord. of 1-24-2005)

#### Sec. 18-138.2. - Outdoor hot tubs; area and location requirements.

An outdoor hot tub may be located within the side and rear yards of the subject property, provided that the device meets the side yard setback requirements of the residential zoning district in which it is located, and is situated no closer than 20 feet to any alley line, nor less than ten feet from any rear property line. The total water surface area of the outdoor hot tub may not exceed two percent of the total area of the subject property, and the device must be secured in the manner as set forth in [section 19-13\(b\)](#).

(Code 1969, § 18-138.2; Ord. of 1-17-1972; Ord. of 9-24-1984; Ord. of 4-17-1989; Ord. of 1-24-2005)

#### Sec. 18-140.1. - Swimming pool; area and location.

A family pool may occupy not more than 25 percent of the area of the actual rear yard. In residential zones, where any portion of such family pool is located in the rear of a principal building, it shall be not less than ten feet therefrom; where no portion of such family pool is located directly in the rear of a principal building, it shall be not less than five feet therefrom; and provided further that the front edge of the family pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots.

(Code 1969, § 18-140.1; Ord. of 1-17-1972; Ord. of 9-24-1984; Ord. of 1-24-2005)

# **Section 18-407 Swimming Pools and Outdoor Hot Tubs**

## **Proposed Amendments**

### **Sec. 18-141.1. - Swimming pool on corner lot.**

No family pool on a corner lot shall be constructed or installed beyond the building line of any adjoining lot, nor be located nearer than ten feet to the side line of such adjoining lot. (Code 1969, § 18-141.1; Ord. of 1-17-1972; Ord. of 9-24-1984; Ord. of 1-24-2005)