

ORDINANCE NO. 2015-04

AN ORDINANCE TO AMEND CHAPTER 23, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF GERMANTOWN TO REVISE THE SETBACK REQUIREMENTS OF RESIDENTIAL SWIMMING POOLS

- WHEREAS,** The Planning Commission on November 4, 2014, discussed and recommended that the location requirements of swimming pools in residential zoning districts be amended; and;
- WHEREAS,** accordingly, the City of Germantown Board and Mayor of Aldermen now deems it in the best interest of the City to amend Chapter 23, "Zoning", of the City Code; and
- WHEREAS,** a public hearing was held on the 23rd day of February, 2015, pursuant to a publication in a newspaper of general circulation within the community on January 30, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE THAT:

Section 1. Chapter 23, Article 1, Sections 23-163 (R-E- 10 District), 23-188 (R-E District), 23-213 (R-E-1 District), 23-237 (R District), 23-262 (R-1 District), 23-287 (R-2 District) and 23-312 (R-3 District) of the City Code is amended by removing the ~~struck-through~~ terms and adding the following underlined and bold language:

Swimming pools.

- (a) Swimming pools in the XXXXX district shall be located behind the front line of the building, a minimum of five feet from all property lines ~~and recorded easements~~.
Swimming pools that are located five feet or less from a recorded easement may be permitted provided the property owner , prior to the issuance of any permit, enters into a hold harmless agreement that releases the City and any easement users from responsibility if the swimming pool is damaged as a result of work being performed within the easement. The hold harmless agreement shall be recorded and shall run with the land.
- (b) On double frontage lots, in-ground swimming pools may extend 20 feet into the required front yard that is located on the rear side of the principal building. This shall apply only to lots having frontages on two nonintersecting streets. Corner lots and triple-frontage lots, abutting two streets at their intersection, shall be excluded.
- (c) ~~Swimming pools must be located a minimum of five feet from all property lines and recorded easements.~~

Section 2. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

First Reading	<u>January 26, 2015</u>
Second Reading	<u>February 23, 2015</u>
Third Reading	<u>March 9, 2015</u>

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk /Recorder