

**Information Sheet**  
**Swimming Pools**  
**Chapter 4 – Amusements and Entertainments, Article II – Swimming Pools,**  
**Division I**  
**Chapter 23 - Zoning**

Contained herein are the Zoning restrictions and permit application procedures for swimming pools installed in the City of Germantown.

**Swimming Pools:**

1. Swimming Pools shall be located behind the front line of the building, a minimum of five feet (5') from all property lines and recorded easements (see a. below). The distance is measured from the water line of the pool.
  - a. Swimming pools are allowed to be located five feet or less from a recorded easement as long as the property owner, prior to the issuance of a 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 with the easement. The hold harmless agreement shall be recorded and run with the land. (Ordinance No. 2015-04)
  
2. Appurtenances and accessories, such as, but not limited to, circulating pumps, water filters, water heaters, chlorination systems, booster pumps, electrical panels, etc.
  - a. may not encroach into any easement;
  - b. may not exceed 70 sq. ft. in total ground coverage within the required side yard setback area;
  - c. may not exceed 4 ft. in height at any point within the required side yard setback area;
  - d. must be completely screened from view from the street by a solid, sight-proof fence of wood, masonry or stone (not chain link, plastic, etc.) if within the required side yard setback area; (Ord. No. 1998-17, 11-9-98)

Residential Districts Zoned R, R-1, R-2, R-3 = ten feet (10').  
Residential Districts Zoned RE, RE-1 = twenty-five feet (25').
  
3. Special requirements for properties located in the flood fringe and floodway areas are contained herein.
  
4. On corner lots, the yards adjacent to both streets are front yards and both sides of the house that face the streets are classified as the front line of the building.
  
5. Double frontage lots are lots with frontage on two (2) non-intersecting streets. There is a required front yard adjacent to both street fronts. In-ground swimming pools may encroach twenty feet (20') into the required front yard that is located on the rear side of the principal building (house). The encroachment is allowed into the front yard starting at the front yard line nearest to the rear of the house (see attached diagrams). The required front yard dimensions adjacent to the streets are as follows:
  - a. Zones R, R-1, R-2, R-3 = forty feet (40') from the property line, fifty feet (50') from the curb or edge of pavement.
  - b. Zones RE, RE-1 = sixty feet (60') from the property line, seventy feet (70') from the curb or edge of pavement.

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No pool or other structures, except as noted in Paragraph 5 above, can be located within the required front yard on the rear side of the house until approval is granted by the City's Board of Zoning Appeals.

6. Above ground swimming pools that can contain eighteen inches (18") of water must meet all of the above requirements.

### Application Process for Swimming Pools:

Permit applications are processed through the City of Germantown's Director of Development to determine compliance with the Zoning Ordinance prior to obtaining the permit from the Memphis/Shelby County Office of Construction Code Enforcement, 6465 Mullins Station, Memphis, Tennessee 38134. The following documents and information are required:

1. Survey plat showing the location of the pool and pool equipment on the lot and indicated thereon the distance in feet the water line of the pool is located from the rear and nearest side property lines and the house. (Example attached). Also, all other detached structures on the lot, such as but not limited to gazebos, storage buildings, play forts, pool houses, etc. Four (4) copies required of survey.
2. Completed Memphis/Shelby County Permit Application Form.
3. Copy of pool contract.
4. Copy of electrical permit or electrical permit application.
5. Copy of plumbing permit or plumbing permit application.
6. Verification of gas or electric heater.
7. If the request is in compliance with all Zoning Ordinance requirements, a letter indicating same will be provided to the applicant.
8. The City will mail the application to the Office of Construction Code Enforcement if the applicant desires, and all the above requirements are fulfilled.

### Barrier/Fence Requirements for Swimming Pools:

An outdoor swimming pool, including in-ground, above ground or on ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. A barrier/fence of not less than four feet (4'), nor higher than six feet (6'), must surround the property or the pool area. (Height is measured on the side of the barrier which faces away from the swimming pool) The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier/fence which faces away from the swimming pool, spa or hot tub. Spacing between vertical members shall not exceed four inches (4") in width.
  - a. Note: While the maximum vertical clearance is 2 inches, fences/barriers should allow clearance to not block the flow of water from adjoining property.
2. When the fence contains horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches the horizontal members shall be located on

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the swimming pool side of the fence. Spacing between vertical members shall not exceed 1  $\frac{3}{4}$  inches in width. Where there are decorative cutouts with vertical members, spacing within the cutouts shall not exceed 1  $\frac{3}{4}$  inches in width.

3. Where the barrier/fence is composed of horizontal and vertical members, and the spacing between the tops of the horizontal members is 45 inches or more, spacing between the vertical members shall not exceed 4 inches.
4. Maximum mesh size for chain link fences shall be 2  $\frac{1}{4}$  inches square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1  $\frac{3}{4}$  inches.
5. When the barrier is composed of diagonal members, such as lattice fence, the maximum opening formed by the diagonal member shall be no more than 1  $\frac{3}{4}$  inches.
6. Solid barriers or walls shall not contain any indentations or protrusions, except for normal construction tolerances and tooled masonry joints.

## Gates

All gates allowing access to the pool area must meet the applicable required items above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool. Where the release mechanism of the self-latching devices is located less than 54 inches from the bottom of the gate, the release mechanism and opening shall comply with the following:

1. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate and
2. The gate and barrier shall have no opening larger than  $\frac{1}{2}$  inch within 18 inches of the release mechanism.

Note: Electric gates do not meet the self-latching requirement.

Where a wall of the dwelling serves as part of the barrier, one of the following conditions shall be met:

1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
2. Doors with direct access to the pool through the wall shall be equipped with an alarm which produces an audible warning when the door and or its screen if present are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switches shall be located at least 54 inches above the threshold of the door; or
3. Other means of protection, such as self-closing doors with self-latching device that are approved by the governing body shall be accepted as long as the degree of protection afforded is not less than the protection afforded by 1 or 2 above.

An illustration of peculiar designed fences will be required. Special provision for fences on double frontage lots is required by the Fence Ordinance.

## Above ground swimming pools.

Where the top of the pool structure is above grade such as an above ground pool, the barrier may be at ground level or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the tops of the pool structure and the bottom of the barrier shall be 4 inches.

Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps.

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1. The ladder or steps shall be capable of being secured, locked or removed to protect access, or
2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Barrier language above. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4 inch diameter sphere.

### Drainage of Water:

- a. The water in swimming pools, hot tubs and spas is presumed to be treated with chemicals and when it is necessary to be drained, shall be drained into the sanitary sewer system (clean out). It shall not be drained into the street storm drains, nor drained on the ground surface in a manner that will create a nuisance to adjoining properties.
- b. Water accumulating on the top of covers is classified as rainwater. Rain water may be drained into the sanitary sewer system (clean out) or the street storm drains. It may be drained into the ground surface provided that it does not cause a nuisance to adjacent property owners. The drainage of rainwater onto the ground surface that causes a nuisance to adjacent property owners is a civil matter to be resolved between the property owners.

### Maintenance:

It shall be the responsibility of the owner and/or the occupant of the premise to maintain a swimming pool, hot tub, and/or spa in safe, sanitary, and working condition at all times. Water contained in a swimming pool, hot tub or spa shall be maintained to a level of clarity that allows for the unaided visual inspection of the lowest point of the pool, hot tub or spa. Water not meeting this clarity definition shall be deemed a potential health and safety hazard and a public nuisance.

Accessory structures such as sliding boards, bath houses, wooded decks, gazebos, towers, storage sheds, etc., require separate permits.

### Flood Fringe (FF) and Floodway (FW) Areas:

This information sheet is for those properties that are shown to be in the Floodplain or Floodway District on the FEMA Flood Insurance Rate Map. Approval of a swimming pool permit application will not be granted until the following documentation is provided to the Germantown City Engineering Department:

1. A plan drawn to scale (one inch equals 100 feet) showing the location, dimensions, existing and proposed elevations and grading of the area where the swimming pool and swimming pool equipment is to be installed certified by the registered land surveyor under whose supervision the plan was prepared.
2. The elevation in relation to mean sea level of the swimming pool deck, the existing home and any accessory structures.
3. The elevation of the 100-year base flood as determined from the most recent printing of the FIRM (Flood Insurance Rate Map) for the area as published by the Federal Emergency Management Agency (FEMA).
4. Certificate by a Registered Professional Engineer that the swimming pool deck and pool equipment will be one and one-half (1.5) feet or more above the 100- year base flood elevation, if the proposal plan is implemented.

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5. A description of a known benchmark, or temporary benchmark, including location and elevation used in determining the elevations at the site.
6. The applicant must show that the pool construction will not cause an increase in flood heights to adjacent properties, structures, etc., above the base flood elevation as determined by FEMA.

The above procedures apply only to Floodplain Districts. FEMA does not permit construction within the Floodway District.

Any conflict between information contained in this Information Sheet and the Ordinances will be resolved in favor of the Ordinances.

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