

CITY OF RIVERVIEW  
ORDINANCE NO. 735  
ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF RIVERVIEW BY THE REPEAL AND RE-ADOPTION OF SECTION 24.06, "ACCESSORY STRUCTURES AND USES", SUBSECTION E, "SWIMMING POOLS", OF ARTICLE 24, "GENERAL PROVISIONS", AND SECTION 9.205, "PERMITTED YARD ENCROACHMENTS", OF ARTICLE 9 "SCHEDULE OF REGULATIONS", TO PROVIDE FOR THE ALLOWANCE OF POOL DECKS FOR ABOVE-GROUND POOLS NOT TO EXCEED FOUR (4) FEET IN HEIGHT.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Amendments. That Section 24.06, "Accessory Structures and Uses", Subsection E, "Swimming Pools", of Article 24, "General Provisions", and Section 9.205, "Permitted Yard Encroachments", of Article 9 "Schedule of Regulations", of the Zoning Ordinance are hereby repealed and re-adopted to hereafter read as follows:

Zoning  
Article 24 General Provisions

Section 24.06 – Accessory Structures and Uses.

Accessory structures and uses shall comply with the following regulations:

- A. General Requirements. (Unchanged)
- B. Detached Accessory Structures. (Unchanged)
- C. Attached Accessory Buildings and Uses. (Unchanged)
- D. Accessory Structures. (Unchanged)
- E. Swimming Pools.

Private pools shall be permitted as an accessory use within the side or rear yard only, provided that they comply with the State Construction Code enforced by the City, and meet the following requirements:

1. Setbacks and location. The pool wall shall not be located closer than 6'-0" to any lot line nor located on any easement. There shall be a distance of not less than 4'-0" between the outside pool wall and any other building located on the same lot.
  
2. Height. A pool access deck providing access to an above-ground pool shall not exceed four (4) feet in height. A safety rail shall not exceed 4 feet 6 inches.
  
3. Fencing. For the protection of the general public, all yards containing permanent swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. Any gate required shall be of a self-closing and latching type, with the latch located on the pool side of the gate at least three (3) inches below the top of the gate. Openings in the gate shall not allow passage of a four (4) inch diameter sphere. This provision may be waived by the Building Official if the entire premises of the residence is enclosed.

Where an aboveground pool structure is the barrier, or the barrier is mounted on top of the pool, the means of access, ladder or steps, shall be capable of being secured, locked, or removed to prevent access when the pool is not in use. Fencing that complies with the above requirements may enclose the ladder or steps.

#### Article 9 Schedule of Regulations

##### Section 9.205 - Permitted Yard Encroachments.

Fire escapes, chimneys, balconies, egress window wells, architectural features, and similar projections shall be considered part of the primary building for purposes of determining yard and setback requirements. However, limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners (pad mounted), generators, and similar equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by landscaping, fencing, or similar means approved by the Building Official.
Access drives	All	None
Arbors and trellises	All	See <a href="#">Section 9.304</a> (Corner Clearance Areas)
Awnings and canopies	All	May project up to 10% into any required yard
Bay windows <sup>1</sup>	All	See footnote 1, below
Balconies	Rear	May project up to six (6) feet into required rear yard
Belt Courses	All	May project up to one (1) foot into any required yard
Boiler Flues	All	May project up to three (3) feet into any required yard

Chimneys	All	May project up to three (3) feet into any required yard
Cornices <sup>1</sup>	All	May project up to three (3) feet into any required yard
Eaves, overhanging	All	May project up to three (3) feet into any required yard
Egress Window Wells	All	May project up to three (3) feet into any required yard
Elevator Shafts	Rear	May project up to six (6) feet into required rear yard
Fences	See <a href="#">Article 15</a> (Walls and Fences)	
Fire Escapes, Fire Towers	Rear	May project up to six (6) feet into any required rear yard
Flagpoles	All	See <a href="#">Section 9.204</a> (Height Exceptions)
Gardens	All	See <a href="#">Section 9.304</a> (Corner Clearance Areas)
Gutters	All	May project up to three (3) feet into any required yard
Hallways, connecting	Rear	May project up to six (6) feet into any required rear yard
Handicapped access ramps <sup>2</sup>	All	See footnote 2, below
Hedges	All	See <a href="#">Section 9.304</a> (Corner Clearance Areas)
Leaders	All	May project up to three (3) feet into any required yard
Light poles, ornamental	All	None
Lintels	Rear	May project up to six (6) feet into any required rear yard
Ornamental Features	Rear	May project up to six (6) feet into any required rear yard
Paved terraces, open porches, patios, decks, and steps <sup>3</sup>	All	See footnote 3, below
Porches, front (enclosed)	Front	May project up to 25% into the required front yard
Pilasters	All	May project up to three (3) feet into any required yard
Propane tanks	All	Not permitted in front yards in Residential Districts
Signs (approved)	See <a href="#">Article 17</a> (Signs)	
Sills	All	May project up to three (3) feet into any required yard
Stairways, open unroofed	Rear	May project up to six (6) feet into any required rear yard
Television or radio towers or antennae	Rear	Not permitted in any required front or side yards in Residential Districts
Trees, shrubs, and flowers	All	See <a href="#">Section 9.304</a> (Corner Clearance Areas)
Walls	See <a href="#">Article 15</a> (Walls and Fences)	
Wind Generators	Rear	See <a href="#">Section 9.204</a> (Height Exceptions)
Window air conditioning units	All	None

Notes Related to above Table:

1. Bay windows. (Unchanged)
  - a. (Unchanged)
  - b. (Unchanged)
2. Handicapped access ramps. (Unchanged)

3. Unenclosed terraces, porches, patios, decks, and steps. Unenclosed terraces, porches, patios, decks, and steps may project into a yard subject to the following conditions:
  - a. Such structure shall not exceed three (3) feet above the surrounding finished grade except for pool decks which may be up to four (4) feet in height, per Section 24.06 (E).
  - b. Such structure shall not be located closer than five (5) feet from the side, or street lot line.
  - c. Such structure shall not be located closer than ten (10) feet from the rear lot line.
  - d. Such structure shall not be located closer than six (6) feet from any accessory building.
  - e. Such structures shall not be covered by a roof.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Codification; Scrivener's Errors:

- (a). Article I of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

ARTICLE VI. Reading and Publication: This Ordinance shall be given a first reading on August 15, 2022, shall be given a second reading on September 6, 2022, shall be adopted on September 6, 2022, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 6<sup>th</sup> day of September, 2022.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on September 6, 2022.

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Cynthia M. Hutchison, City Clerk