

Policy Title: Swimming pools, Hot tubs, and similar use enclosure setbacks

Policy Number: 15-01

Effective date: Upon Approval

Approved by:



Approved date:

6/21/2015

**STATEMENT OF ISSUE/PURPOSE OF DETERMINATION:** It is unclear whether the setback referenced in Section 6.00.04 (4) of the Land Development Code, reproduced below, applies to a proposed swimming pool enclosure. The purpose of this determination is to clarify how Section 6.00.04 (4) of the Land Development Code will be interpreted and enforced by the Growth management Department WHEN REVIEWING PRIVATE SWIMMING POOL/HOT TUB/SIMILAR USE ENCLOSURES. Readers are cautioned that *public* swimming pools and similar uses are subject to additional regulations that are not the subject of this determination.

*Section 6.00.04 (4) Attachment of Accessory Buildings to Principle Buildings: When an accessory building is attached to the principal building by a breezeway, passageway, or similar means it shall comply with the yard requirements of the principal building to which it is attached, as well as all applicable building codes.*

**DETERMINATION:** As provided by the Definitions (Appendix A) of the Land Development Code, a building is “any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building.” This definition is consistent with that used in the Florida Building Code definitions (2010), which states that a building shelters an intended occupancy. Sheltered is interpreted to mean an enclosed roof; while a pool enclosure may be referred to as a building, a pool enclosure is a *structure* due to not having an enclosed roof and therefore is not considered a building. The setback as listed within Section 6.00.04 (4) of the Land Development Code **will not apply** to this type of structure. Thus, the setback for accessory uses or structures, as stated in Section 2.21.05 (2) Land Development Code, **will apply** and reads “*accessory uses or structures located in side or rear yards shall be no closer than five (5) feet to any property line, except as otherwise specified herein.*” This determination applies only to Section 6.00.04 (4) of the Land Development Code and should not be construed to in any way exempt enclosures associated with pools, hot tubs, and similar uses from the provisions of any other local (e.g., Florida Building Code), State, or other applicable codes.