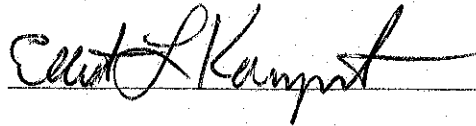


Policy Title: **Swimming Pools, Hot Tubs Setbacks**

Policy Number: **2008-006**

Effective Date: **7/14/08**

Approved by:



Approved Date:

7/14/08

STATEMENT OF ISSUE/PURPOSE OF DETERMINATION: It is unclear whether the 3.5' setback referenced in Section 7.01.06(c) of the Land Development Code, reproduced below, applies to a proposed swimming pool enclosure. The purpose of this determination is to clarify how Section 7.01.06.C. 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.

7.01.06. C If the enclosure for the use is to be attached to the principal building, the enclosure shall meet the required setbacks for the zoning district in which it is located. In addition, the use shall maintain a three and one-half (3.5) foot setback from the water's edge to the existing and/or proposed buildings.

DETERMINATION: The 3.5' setback requirement was intended to protect the foundations of the existing and proposed buildings. As swimming pool enclosures typically use the existing deck around the pool for their foundation/anchoring, the distance requirement, which is based on the effect the excavation associated with a pool, will have on footers and foundations, is not necessary. Therefore, while a pool enclosure is a structure and may be referred to as a building, the 3.5' setback **will not apply** to this type of building (i.e., an enclosure). This determination applies only to Section 7.01.06 C 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.