PRIVATE SWIMMING POOLS IN RESIDENTIAL AREAS

The City of Rochester Zoning Ordinance and Land Development Manual requires that property owners meet some basic safety requirements when locating a swimming pool on their lot. The standards are established in Section 62.278(5) of the ordinance.

5. **Private Swimming Pools and Tennis Courts**: No swimming pool or tennis court shall be allowed in any residential district unless it complies with the following requirements:

A. The pool or court is not operated as a business or private club, except when allowed as a permitted home occupation.

B. It shall not be located in any required front or required side yard and shall not be closer than ten feet to any property line of the property on which it is located. Pump and filter installations for pools shall not be closer than 20 feet to any property line.

(1) For an in-ground or surface swimming pool, the pool or the property upon which said pool is located shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area. The fence must be at least five feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. For an in-ground pool, a mechanically controlled cover can be used in lieu of fencing requirements.

(2) Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.

(3) For an above ground swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in accordance with Section 62.278, subd. 5 (B)(1). The ladder must be removed or retracted when the pool is not being attended.

(4) If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with Section 62.278, subd. 5 (B)(1).

(5) It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.

(6) Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall
constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.

C. Enclosed pools and courts shall be considered as structures for purposes of regulations limiting lot coverage.

Pools are defined by the ordinance as follows:

**SWIMMING POOL:** Any private recreational pool, pond, lake or open tank not located within a completely enclosed building and capable of containing water to a depth at any point greater than 24 inches

**SWIMMING POOL, ABOVE GROUND:** Any private recreational pool, pond, lake or open tank not located within a completely enclosed building and capable of containing water to a depth at any point greater than 24 inches.

**SWIMMING POOL, IN-GROUND:** A swimming pool whose sides are not exposed and are below the natural ground located adjacent to said swimming pool.

**SWIMMING POOL, SURFACE:** A swimming pool whose exposed sides have a height of more than 24 inches, but less than four feet above the natural ground located adjacent to said swimming pool.

Any property owner in any zoning district contemplating constructing or placing a swimming pool or spa should contact the Building Safety Department at 328-2600. The Uniform Building Code provides some safety guidelines for property owners to use. The section of the UBC that contains the guidelines is in Appendix Chapter 4, SPECIAL USE AND OCCUPANCY, Division 1 – BARRIERS FOR SWIMMING POOLS, SPAS, AND HOT TUBS.

All property owners or companies hired to construct or place a pool on a property are required to obtain a zoning certificate/building permit from the Planning Department prior to the construction. The applicant will need to submit a site plan and information on the height and size of the pool, and the required fencing or other access controls that may be required for the swimming pool along with Uniform Building Code requirements.

If you have questions about the ordinance provisions please call the Planning Department at 328-7100.