

Pool Set Back, Residential, Dewey Beach

Proposal to review and amend Pool setbacks

April 9, 2024

February 20, 2024, updated April 8, 2024

Dewey Beach Code Committee

Subject: Pool setbacks, review and proposed changes

Photos Included as reference:

- **photos of modern swimming pool designs that include feature walls, wall fountains that do not adhere to requirement for a three foot “walkway” around the pool**
- **Photos of modern pool designs that either abut to the home, another structure or, to a lot line wall.**
- **Photos of new construction home in Dewey Beach being built with basements that show a depth of over 8 feet (or more), at 3 feet or less from the home’s side and rear lot lines. Photo shows basement was dug approximately 12 inches from the side property line.**

Overview:

The current pool setbacks and “walk around” standards set forth in the Dewey Beach Code appear to be antiquated relative to modern pool design, especially with the rise of installation of small “spa,” “therapy” and “dipping” pools which have become extremely popular on small residential lots. These standards could be reviewed and refined so that property owners in Town can enjoy the use of “spa” or “dipping” pools, especially on modest, 50x100 foot lots where yard space is quite limited. The current code/ standards have been in place and not amended, likely, since the code was established in the early 1980’s, over 40 years ago and appear to be “lifted” from general public pool codes of that era.

Pools uses, and construction have come a long way since the 1980’s. Today’s modern standards include the introduction or “dipping” pools design especially for small yard areas and spa, therapeutic and exercise pools (swim spas with jet flow and treadmills). Many of these modern designs include feature walls with water features on one or multiple sides abutting directly up to, or close to, the water’s edge. Most dipping or spa pools are a modest 8-10 feet wide by 10-18 feet long. Attached are photo examples of modern spa / dipping pools on small residential lots.

With property values escalating in Dewey Beach and our surrounding Beach communities, many owners investing multi-millions of dollars in Dewey Beach vacation or retirement homes are building or renovating homes that include pools and outdoor “retreat” spaces in the home design. See attached photos.

Proposed changes:

1. Reduce the side yard setbacks from 10 to five feet (that is a two foot greater set back than those required to build an ancillary building (shed or other) which now requires only a 3 foot side yard setback.
2. Reduce the rear yard set back from 6 to 3 feet.
3. Amend the required 3 foot pool “walk around” requirement. Current code reads “A walk space at least three feet wide shall be provided between pool walls” and protective fences or barrier walls.”

Current Pool Code and proposed changes

§ 185-5 Accessory buildings and structures.

CURRENT CODE

185-5 Accessory buildings and structures.

B.

Accessory **swimming pools**, open and unenclosed, may occupy a required yard or side yard, provided they are not located closer than 10 feet to an interior side lot line or six feet to a rear lot line. A walk space at least three feet wide shall be provided between **pool** walls and protective fences or barrier walls. Every **swimming pool** shall be protected by a safety fence or barrier at least 4.5 feet in height and constructed of concrete, stockade wood or material of equal quality.

PROPOSED CHANGES in yellow

Accessory swimming pools, open and unenclosed, may occupy a required yard or side yard, provided they are not located closer than **five (5)** feet (from current 10 feet) to an interior side lot line or **three (3)** feet (from current 6 feet) to a rear lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls, **except when a “feature wall” or ornament feature of at least 15 inches high abuts within 12 inches of the pool’s**

edge on one or two sides and is intended to be an integral part of the pool design or if one side of the pool is less than three (3) feet to the exterior wall of the house. Every swimming pool shall be protected by a safety fence or barrier at least 4.5 feet in height and constructed of concrete, stockade wood or material of equal quality.

Note:

Reducing the pool rear yard set-backs by 50 percent from 6 to 3 feet would match the set-back requirements for sheds/auxiliary structures which are currently three feet. Reducing the side yard set back by 50 percent from 10 feet to five feet would be more conservative than the current 3 foot set back required for sheds/auxiliary buildings which require only a three foot side yard setback.

185-51 Accessory Buildings and Structures

D.

An accessory **building** which is not a part of the main **building** **may be constructed in a rear yard three feet from the side lot line and three feet from the rear lot line**, provided such accessory **building** contains not more than 200 square feet of area, is not more than 12 feet in height and is used exclusively for storage and not for residential purposes.

Note: A 200 square foot accessory structure such as a shed or pool house, often times requires a 3 foot deep footer or foundation wall which would be at the same set back as the proposed pool set back amendments. Digging at this depth, three feet from a building lot line, should not pose any risk relative to the position on the lot since new homes constructed at the 8 foot minimum side set back would require digging to the same or greater depths (up to 10 feet deep) at a near 1-3 feet from the property line side yard property line.