

117-797. Outdoor sales of swimming pools, spas and hot tubs in GCC and C-2 Zoning District.

(a) Outdoor sales of swimming pools, hot tubs and spas is allowed in the GCC zoning district as a special exception with the approval of the Planning and Zoning Commission and as a permitted use in the C-2 Zoning District subject to the minimum criteria as provided in this chapter. The minimum criteria that must be met for this use in the C-2 and GCC Zoning District zoning district are as provided in this section. These criteria must be shown on the site plan or sketch submitted with the application for a special exception, and must also be shown on the site plan submitted for site plan review. Additional criteria may be required by the planning and zoning commission pertaining to special exceptions.

(1) The business must meet the site plan requirements of the land development code.

(2) In addition to the application material for a special exception required by this chapter, an elevation view of the aboveground swimming pools, hot tubs and spas that will be on display, the required skirting, and the required decks, as seen from rights-of-way, must be submitted.

(3) Swimming pools, spas and hot tubs in an outdoor display area or outdoor display and sales area must be completely operational, including being filled with water, with pumps, filters, heaters, ladders, etc. Only completely operational swimming pools, spas and hot tubs are allowed outdoors.

(4) A maximum of 30 percent of the area of the site may be used as an outdoor display area or outdoor display and sales area, subject to the other limitations in the land development regulations. This area must be identified on the site plan or sketch submitted with the application for a special exception and must be shown on the site plan submitted for site plan review.

(5) Aboveground swimming pools, spas, hot tubs and the decking described in this section must be located in the rear yard and be completely screened from public view behind the primary structure and ten feet from abutting properties. The setbacks must be landscaped with hedges and small trees such that there is a visual screen running the entire length of the property with a minimum opacity of 85 percent and a minimum height of six feet.

(6) The entire outer shell of aboveground swimming pools, spas and hot tubs must be encased by a wooden deck.

a. This deck must be level with the top of the aboveground swimming pools, spas or hot tubs; except that hot tubs or spas set up as a display on the deck are exempt from this requirement.

b. The deck must be wheelchair accessible and be a minimum of five feet in width to accommodate wheelchairs.

c. Above ground decks must meet the building code requirements for a railing.

d. The building plans for the deck submitted to obtain a building permit must be sealed by a state certified engineer or architect showing that the mode and manner of construction will adequately withstand the loads imposed upon it.

e. The decking shall include skirting from the top of the deck to the ground.

1. This skirting may be of solid wood, metal, stone, lattice, provided that the spaces in the lattice are no larger than two inches square, or any other material approved by the Planning and Zoning Commission during its review of the special exception request.
 2. A hedge must be planted on the outside of the skirting (i.e., the side facing the right-of-way). At a minimum, the hedge plants must be three gallons, 24 inches in height, Florida Grade No. 1 or better, planted no more than three feet on center. The hedge must be 100 percent irrigated and maintained.
- f. Decking and skirting must be painted or stained and kept in good repair.
- (7) Outdoor swimming pools, spas and hot tubs must meet the requirements of the Florida Building Code pertaining to swimming pool barriers.
- (8) The water in the swimming pools, spas and hot tubs must be clear and free of algae, leaves and other plant matter.
- (9) No outdoor storage of merchandise is allowed.