



Planning and Development Services • Zoning Division • Zoning@ColumbiaSC.gov
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July 9, 2025



RE: Interpretation - Zoning

Is a fenced-in outdoor pool a "fully enclosed, lawfully approved structure which is accessory to the residential use" for the purpose of standards for a Home Occupation contained within §17-4.3(d)(6) of the UDO?

Mrs. [REDACTED]:

As the owner of [REDACTED] at [REDACTED], you have a direct interest in the above referenced question. Pursuant to §17-2.5(w) *Interpretation – Zoning* of the Unified Development Ordinance of the City of Columbia (UDO), I am hereby rendering a formal written interpretation, that a **fenced-in outdoor pool is not a "fully enclosed, lawfully approved structure which is accessory to the residential use" for the purpose of the standards for a Home Occupation contained within §17-4.3(d)(6) of the UDO.**

A structure, according to §17-9.4 *Definitions*, "means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including mobile homes, travel trailers, signs, mobile signs, tubs, swimming pools or other bathing facilities, portable signs and antennas...", thus both a swimming pool and a fence are considered structures.

However, while an outdoor swimming pool is a structure, it is not a fully enclosed structure, even when surrounded by other structures such as buildings, walls, or fences to provide a barrier as required by the International Residential Code. A house is a fully enclosed structure, having at least four walls and a roof. Similarly, a garage is a fully enclosed structure while the garage door is down. A carport is not a fully enclosed structure, nor are either a gazebo or a pergola fully enclosed structures. Likewise, lacking a roof or walls, an outdoor pool is not a fully enclosed structure.

A home occupation is an accessory use of a dwelling unit, and per the purpose and intent statement for accessory structures and uses (§17-4.3(a)(1)), they must "...comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands". The standards for a home occupation collectively require that such a use be inconspicuous, and provide additional context to interpret what is meant by a fully enclosed structure. Amongst these standards are requirements that:

- Limit the conduct of a home occupation to no more than 25% of the floor area of the dwelling unit or 1,000 sq. ft., whichever is less (§17-4.3(d)(6)d.);

- Prohibit a change to the residential character or external appearance of the dwelling unit, its associated structures, or its principal residential use (§17-4.3(d)(6)e.);
- Prohibit noises that can be detected by the normal senses beyond the lot of the home occupation (§17-4.3(d)(6)j.)

Clearly the meaning of a “fully enclosed...structure” in this context is a structure that would prevent the home occupation activity being seen or heard off-site, and a fenced-in outdoor pool would fail to meet these standards. Thus, a fenced-in outdoor pool is not a “fully enclosed, lawfully approved structure which is accessory to the residential use” for the purpose of the standards for a Home Occupation contained within §17-4.3(d)(6) of the UDO.

This written interpretation shall be binding on subsequent decisions by the Zoning Administrator in applying the same provisions of this Ordinance. A record of this written interpretation shall be available, upon reasonable request and during normal business hours, in the Zoning Division.

Regards,



Andrew Livengood
Zoning Administrator