

SWIMMING POOL & HOT TUB/SPA, FENCE, DECK & PATIO REGULATIONS

SWIMMING POOLS & HOT TUBS/SPAS

12.17-1

COMPLIANCE

It shall be unlawful to construct, install, enlarge, or alter any swimming pool as defined in the Ordinance, in the unincorporated areas of Kenosha County except in compliance with all of the provisions of this section.

12.17-2

DISTRICTS

Swimming pools may be installed in all districts except the C-1 Lowland Resource Conservancy District, FPO Floodplain Overlay District, HO Historic Overlay District, and AEO Adult Entertainment Overlay District.

12.17-3

PERMIT REQUIRED

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and accessories thereto within the unincorporated area of Kenosha County unless permits therefore shall have first been obtained from the Office of Planning and Zoning Administration.

12.17-4

APPLICATION

All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Office of Planning and Zoning Administration for examination and approval as to proper location and construction.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the pool, walk, deck, fence construction, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool.

All private residential swimming pools and accessories thereto, water supply and drainage systems shall be constructed in conformity with the approved plans.

12.17-5

LOCATION

Swimming pools and spas shall only be installed in the rear yard of a premise. In the case of a double frontage lot, swimming pools and spas may be installed only in the secondary street yard of the premise so long as the required minimum street yard setback is maintained. No portion of a swimming pool or spa outside a building, including a surrounding deck and fence, pumps, filters and related pool equipment shall be located at a distance of less than eight feet from any side or rear property line or building line. Such pool shall also comply with any and all state or local regulations with respect to the distances from an on-site sewage disposal absorption system and private well.

12.17-6

AREA

Such pool may be constructed provided however it does not occupy more than 40 per cent of the usable area of the rear yard excluding all garages or other accessory structures located in such area.

12.17-7

SAFETY FEATURES

No swimming pool or spa shall be installed or maintained unless:

- (a) In the case of an in ground pool, there shall be erected and maintained a good quality safety fence not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located.
- (b) In the case of an above ground pool, one of the following must be met:
 1. Erect and maintain a good quality safety fence of not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or
 2. The total wall height of the pool and surrounding deck/railing must be at least six feet above yard grade.

- (c) In the case of a spa/hot tub, a locked safety cover meeting American Society for Testing Materials Specifications may be used, or a spa must be completely enclosed in a structure with locking windows and doors.
- (d) Safety fencing must be so constructed as not to have voids, holes or openings larger than four inches in one dimension.
- (e) Every gate or other opening in the fence enclosing the pool or yard (including spa safety covers) except an opening to the dwelling or other building shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool/spa. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.
- (f) The swimming pool shall not be filled with water until all safety features are in place.

12.17-8

LIGHTING

No lighting may be installed in connection with the pool which shall throw any rays beyond such property lines.

12.17-9

WATER DRAINAGE

No water drained from a pool shall be discharged over or near any septic tank, septic field or well.

12.17-10

INSPECTION

The town building inspector or town deputy planning and zoning administrator shall inspect all swimming pools to determine whether or not the provisions of this ordinance are being complied with.

FENCES

12.15-1

PERMIT REQUIRED

No fence, except those fences provided for in section 12.15-2, shall hereinafter be located, directed, moved, reconstructed, extended enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code. The fence shall also meet all the structural requirements of local and State codes. All fences shall be constructed in a manner that the finished side of the fence faces the neighboring property.

12.15-2

FENCES PERMITTED WITHOUT A ZONING PERMIT

The following fences are permitted as specified without a zoning permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility:

- (a) A snow fence shall be permitted in all districts when comprised of wooden pickets bound together by wire or molded plastic mesh and not exceeding four feet in height and removed between May 1 and November 1 of each year. No privately-owned snow fence shall extend beyond the highway right-of-way line.
- (b) Fences to be installed around swimming pools shall be governed by the provisions of section 12.17-7.
- (c) Agricultural fences in the A-1, A-2, A-3 and A-4 Districts shall be permitted provided that they do not extend beyond the highway or road right-of-way.
- (d) Decorative fences not exceeding two feet in height shall be permitted in all districts.
- (e) Wire strand fences for agricultural purposes may be constructed or placed within the required shore yard, 100-year floodplain and/or C-1 Lowland Resource Conservancy District

12.15-3

FENCES OR WALLS FOR WHICH A ZONING PERMIT IS REQUIRED

- (a) Residential fences or walls are permitted up to the side and rear property lines and not closer than two (2) feet to any public right-of-way in residential districts, but shall not be greater than six (6) feet in height in the side yard and rear yard, nor greater than four (4) feet in height in the street yard. Residential fences or walls may be six (6) feet in height in the rear street yard of a double frontage lot or in the side street yard of a corner lot not closer than fifteen (15) feet to the right of way of the side street yard. No fence or wall greater than two (2) feet in height shall be placed within the vision triangle. No fence or wall which incorporates barbed wire shall be permitted in a residential district. Residential fences may be constructed or placed within the required shore yard in any district provided the fence is not more than 4 feet in height,

is a split-rail or board type with minimum openings of at least 1 foot by 8 foot, and is at least 2 feet from the ordinary high water mark of any navigable waterway.

- (b) Security fences or walls are permitted in all districts other than residential districts. Security fences or walls may be placed on side and rear property lines, but shall not be located closer than two (2) feet to a public right-of-way line. Security fences or walls shall not exceed ten (10) feet in height. No fence or walls greater than two (2) feet in height shall be placed within the vision triangle. Security fences shall not be constructed or placed within the required shore yard in any district or within the 100-year recurrence interval floodplain. (6/2/92)
- (c) No fence, except barbed wire or wire strand fences for agricultural purposes, shall be constructed or placed within the FPO Floodplain Overlay.

DECKS & PATIOS

12.18.5-1 COMPLIANCE

It shall be unlawful to construct, install, enlarge, or alter any deck or patio as defined in this ordinance, except in compliance with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code.

12.18.5-2 DISTRICTS

Decks may be located in all districts except the C-1 Lowland Resource Conservancy District and FPO Floodplain Overlay District.

Patios may be located in all districts except in the C-1 Lowland Resource Conservancy District.

12.18.5-3 PERMIT REQUIRED

All decks and only patios within the shoreyard setback, shall not be located, directed, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit from the Division of Planning Operations and without being in conformity with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code.

12.18.5-4 APPLICATION

All drawings and plans for the construction, installation, enlargement or alteration of any such deck and/or patio shall first be presented to the Division of Planning Operations for examination and approval as to proper size, location and construction.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the deck and/or patio. In the case of a deck, such plans shall also include vertical elevations of the accessory building.

12.18.5-5 SETBACK – DECK

A deck is permitted in any yard subject to the following:

Street Yard – as required by the district.

Side Yard – 10 feet into any required setback, but not less than 5 feet.

Rear Yard – 10 feet into any required setback, but not less than 15 feet.

Shore Yard – permitted in the required setback, in accordance with §59.692(1v) and subject to the following:

Not less than 35 feet from the ordinary high water mark

Not greater than 200 square feet in area, inclusive of patios, gazebos and screen houses within this setback.

Submittal of a plan, approved by the Division of Planning Operations, that will be implemented by the owner of the property to preserve or establish a vegetative shoreland buffer area that covers at least 70% of the width at least 37.5 feet landward from the ordinary high water mark. The shoreland buffer area shall be established and maintained with applicable shoreland cutting provisions of section 12.18-2.

12.18.5-6 SETBACK – PATIO

A patio is permitted in any yard subject to the following:

Street Yard – as required by the district.

Side Yard – 5 feet.

Rear Yard – 5 feet.

Shore Yard – permitted in the required setback, in accordance with §59.692(1v) and subject to the following:

Not less than 35 feet from the ordinary high water mark

Not greater than 200 square feet in area, inclusive of patios, gazebos and screen houses within this setback. Submittal of a plan, approved by the Division of Planning Operations, that will be implemented by the owner of the property to preserve or establish a vegetative shoreland buffer area that covers at least 70% of the width at least 37.5 feet landward from the ordinary high water mark. The shoreland buffer area shall be established and maintained with applicable shoreland cutting provisions of section 12.18-2.