



CITY PLAN COMMISSION  
Staff Report – Item #13

Thursday, July 22, 2021 at 5:00 pm  
Municipal Building  
625 52nd Street – Room 202 – Kenosha, WI 53140

Zoning Ordinance by Alderperson Rollin Pizzala – To Renumber Subsection 16.10 and 16.11 and to Create Subsection 16.10 of the Zoning Ordinance for the City of Kenosha regarding fence requirements for swimming pools, hot tubs, and spas. PUBLIC HEARING

**NOTIFICATIONS AND APPROVAL REQUIREMENTS:**

The Common Council is the final review authority for Zoning Ordinance changes. A Class II Notice will be published for the ordinance.

**LOCATION AND ANALYSIS:**

- Currently fences around pools and hot tubs are regulated in Chapter 9 of the General Code (Building Code) and a fence is required unless the pool or hot tub have a wall at least 4 feet in height.
- Two ordinance changes are being proposed.
  1. Amendment to Chapter 9 of the General Code which is being changed to reference that the fence standards will be stated in the Zoning Ordinance. The General Code Ordinance requires review by the Public Safety & Welfare Committee and is attached for reference.
  2. The Zoning Ordinance Amendment which requires City Plan Commission review. The ordinance will place fence standards for pools within Section 16 (fence code). The new requirements will require a 6 foot fence around pools and hot tubs unless the pool or hot tub wall is at least 5 feet verse 4 feet currently required. The ordinance also clarifies how the fence height is measured from adjacent grade.

**RECOMMENDATION:**

A recommendation is made to approve the Zoning Ordinance Amendment.

Rich Schroeder, Deputy Director

ORDINANCE NO. \_\_\_\_\_

SPONSOR: ALDERPERSON ROLLIN PIZZALA

TO RENUMBER SUBSECTIONS 16.10 AND 16.11 AND TO CREATE  
SUBSECTION 16.10 OF THE ZONING ORDINANCE FOR THE CITY  
OF KENOSHA REGARDING FENCE REQUIREMENTS FOR SWIMMING  
POOLS, HOT TUBS, AND SPAS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

**Section One:** Subsections 16.10 and 16.11 are renumbered as Subsections 16.11 and 16.12, respectively.

**Section Two:** Subsection 16.10 of the Code of General Ordinances for the City of Kenosha is hereby created as follows:

**16.10 SWIMMING POOLS, HOT TUBS, AND SPAS**

**A. Requirements.** Swimming pools, hot tubs, or spas are permitted in residential districts subject to the following criteria:

1. Every swimming pool, hot tub or spa that has a water depth of two feet (2') or more must be completely surrounded by a fence or barrier wall that is in addition to the pool wall of an above ground pool, hot tub, or spa. The fence or barrier wall must not exceed a total fence height of six feet (6') unless a Special Exception is approved for a higher fence by the Review Authority pursuant to the provisions of this Chapter; but subject to the six foot (6') maximum limitation on height, the fence or barrier wall height must be: at least four feet (4') above the adjacent grade of the pool, hot tub, or spa, or one foot (1') above the pool wall, whichever is greater.
2. The enclosure must be provided with a self-closing and self-latching gate or door, or made inaccessible to children by means approved by the Director of the Department
3. All enclosures constructed at a height of less than six feet (6') must be located a minimum horizontal distance of four feet (4') from the edge of the swimming pool, hot tub, or spa.
4. A Building, deck, existing wall or other barrier complying with the requirements specified in this Section may be used as part of the required enclosure with the approval of the Director of the Department.
5. All enclosures constructed must comply with the requirements of the Code of General Ordinances and other provisions of the Zoning Ordinance.

**B. Exceptions.** The following are exceptions to the requirements in Subparagraphs A.1. through A.4.:

1. Swimming pools, hot tubs or spas which have a pool wall of five feet (5') or higher above grade are exempt from the fencing requirement, provided that the ladder or steps up to the pool, hot tub or spa are hinged at the top and capable of being raised out of the reach of children.

2. Hot tubs and spas equipped with a fitted cover and capable of supporting a minimum of one hundred pounds (100 lbs.) are exempt from the enclosure requirements.
3. All enclosures legally constructed before October 1, 2021, and legally maintained on October 1, 2021, may continue to be maintained in the condition existing on October 1, 2021.

**Section Three:** This Ordinance becomes effective October 1, 2021, after passage and publication.

ATTEST: \_\_\_\_\_ City Clerk/Treasurer  
MATT KRAUTER

APPROVED: \_\_\_\_\_ Mayor Date: \_\_\_\_\_  
JOHN M. ANTARAMIAN

Passed:

Published:

Drafted By:

EDWARD ANTARAMIAN  
City Attorney

Kenosha County Eye

ORDINANCE NO. \_\_\_\_\_

SPONSOR: ALDERPERSON ROLLIN PIZZALA

TO REPEAL AND RECREATE SUBPARAGRAPH 9.18 E.1.a.  
OF THE CODE OF GENERAL ORDINANCES FOR THE  
CITY OF KENOSHA REGARDING FENCE HEIGHTS FOR  
SWIMMING POOLS, HOT TUBS, AND SPAS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

**Section One:** Subparagraph 9.18 E. 1. a. of the Code of General Ordinances for the City of Kenosha is hereby repealed and recreated as follows:

a. Every swimming pool, hot tub or spa ~~must comply with the~~ which has a water depth of two (2') feet or more shall be completely surrounded by a fence or wall at least forty-eight (48") inches in height and not more than six (6') feet in height, nor less than forty-eight (48") inches in height above adjoining grade, in addition to the pool wall of an above-ground pool standards of the Zoning Ordinance .

**Section Two:** This Ordinance becomes effective October 1, 2021, after passage and publication.

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MATT KRAUTER

APPROVED: \_\_\_\_\_ Mayor Date: \_\_\_\_\_  
JOHN M. ANTARAMIAN

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City Attorney

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