

- Swimming Pools, Hot Tubs, and Spas -

An accessory structure such as a swimming pool is regulated by 17.0209 of Pewaukee's Zoning Code. A summary of these regulations is below.



W240 N3065 Pewaukee Road
Pewaukee, WI 53072

 www.cityofpewaukee.us

Permitting Process

- ◆ A swimming pool, hot tub, and spa requires a **Building Permit**
- ◆ See Building Services Department for application forms and **online permitting**
- ◆ Scale drawings of the proposed structure and site plans showing its location on the lot, with dimensions including but not limited to, fencing, overhead or underground electrical wiring, water lines, decking, water disposal system or septic system, and heating, pump and filtration systems
- ◆ One copy of a brochure showing the type, style, etc. of the pool or spa
- _____
- ✓ Upon submission and review, if the proposed structure meets all building and zoning requirements, it will be approved administratively by the Building Inspector.

Building Services

 Buildingservices@pewaukee.wi.us

 262-691-9107

All accessory structures in Single-Family and Two-Family Residential Districts shall comply with the following standards, unless otherwise specified under Section 17.0209(2) detailed standards for specific uses and structures.

General Standards

Lot Coverage & Quantity

All principal and accessory structures shall not occupy more than the maximum permitted lot coverage allowed within the applicable zoning district.

The total area of all permitted accessory structures as listed within this ordinance shall not occupy more than 40% of the side rear yards.

Location

No detached accessory structure shall be located within the street yard, front yard, or corner side yard.

Double Frontage Lots

Accessory structures are allowed within the arterial street side of double frontage lots.

Pewaukee Lake Lots

Lots abutting Pewaukee Lake or its tributaries shall be considered double frontage lots and accessory structures shall be allowed on the street and water side of said lots.

Accessory structures shall be oriented so as not to block all view of water bodies and/or other common private or public open space from existing principal residences located on adjacent parcels.

Swimming Pools

Minimum Setbacks*

1. Five (5) feet from any public easement
2. Ten (10) feet from any other structures (principal or accessory)**
3. Twenty-five (25) feet from a wetland

4. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway, unless otherwise allowed in this ordinance.
5. All structures shall be a minimum of four (4) feet from pool.

* In no case shall an accessory structure be required to meet greater setbacks than required for the principal structure.

** A private swimming pool shall be at least 10 feet from the residence, except for a portion that is four feet in depth or less and used for ingress or egress to the pool, such as a stairwell area, which portion only can be reduced to eight feet. A private swimming pool shall not be less than four feet from any wall or fence.

Residential Accessory Structures and Uses

Swimming Pool Requirements

- All swimming pools (*in-ground or above ground*) shall be a minimum of eighteen (18) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- All swimming pools (*in-ground or above ground*) shall be a minimum of eight (8) feet from any public easement, as measured from the edge of the pool.
- Concrete, decking and any other impervious surface surrounding the pool shall be a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- In-ground swimming pools shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a).

Swimming Pool Regulations Per Chapter 14 Section 30 of the Municipal Code

Definition

The term "private swimming pool" is defined as a receptacle for water, or an artificial pool of water, having a depth at any point of more than 36 inches or more than 15 feet in diameter, whether above or below the ground, located in a residential zoning district, used or intended to be used by the owner, family and invited friends, for sunbathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 square feet in area and less than 36 inches in water depth, and/or 15 feet in diameter which are dismantled and removed for the winter are not included in this Ordinance. This definition includes self-contained spa, spas or hot tubs. Self-contained spa or hot tub and spa or hot-tub means a factory fabricated unit or a hydro-massage pool, or a tub for recreation or therapeutic use designed for immersion of users and usually having a filter, heater and motor-driven blower, generally not designed or intended to have its contents drained or discharged after each use.

Location

Private swimming pools shall be located from the required distances from wells and septic systems as required by SPS-383.

Fences

The fencing requirement shall be applicable to all private swimming pools, including those constructed before enactment of this Ordinance.

1. Every private swimming pool shall be completely surrounded by a fence or wall not less than 4 feet in height, but not to exceed 6 feet in height, be of sufficient strength to prevent accidental access, and shall be constructed so as not to have openings, holes or gaps larger than 4" in any one dimension, which would allow ease of access by unauthorized persons, except for doors or gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors shall be equipped with an inside self-closing and self latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
2. A temporary fence (*snow fence, etc.*) can be used while said pool is under construction. A permanent fence must be constructed within 30 days after water is in the pool.
3. Above-ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of minimum required height and design as heretofore specified. All access from grade to above ground pools having ladders, stairs, or ramps shall not have less than equal safeguard protection provided the pool proper.
4. The requirement of a fence may be waived by the Building Inspector of the City of Pewaukee if the pool is an above-ground pool and if the deck of said pool is at least 4 feet above grade and the Building Inspector determines from an on-site inspection that, except for ladders or other access devices, the outside pool wall or decking is at least 4 feet above grade and provides no direct access to the pool.

Requirements

1. No pool shall be directly connected to the sanitary sewer or septic system.
2. Provisions shall be made for disinfecting all pool water. No gaseous chlorination shall be permitted.
3. Except for a properly installed diving board, access ladders or safety railings there shall be an unobstructed concrete areaway around the entire pool of at least three (3) feet on inground pools.
4. Except for a properly installed diving board, access ladders or safety railings there shall be an unobstructed areaway around the entire pool of at least 3 feet on above-ground pools.
5. Heating units, pumps, and filter equipment shall be located not less than the minimum setback or offset required in the zoning district where the property is located.
6. Any exterior hose bibs to be used in conjunction with the filling of any swimming pools shall have an anti-siphoning type valve.
7. No swimming pool may be drained onto the lands of neighboring or adjacent property.
8. Decks shall be constructed in accord with the provisions of SPS 325/Appendix B, or subsequent revisions and shall be considered an integral part of the swimming pool which shall comply with all applicable setbacks and offsets per the City Zoning Code.

Electrical Regulations

1. All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the national, state, and local codes regulating electrical installations.
2. Overhead flood or other artificial lights used to illuminate a pool shall be shielded or positioned to eliminate direct light and minimize reflected light onto adjoining properties and roadways.

Nuisances

No pool shall be so operated or maintained as to create a nuisance, any eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to the public health, safety and welfare.

Sanitation

A swimming pool and its appurtenant facilities shall be kept clean and in a sanitary condition.

Zoning District	Street Yard Setback	Side Yard Setback	Rear Yard Setback	Lot Coverage
Rs-1	50 feet	30 feet	35 feet	2.5%
Rs-2	45 feet	25 feet	35 feet	6%
Rs-3	45 feet	20 feet	35 feet	10%
Rs-4	40 feet	20 feet	35 feet	25%
Rs-5	40 feet	15 feet	35 feet	30%
Rs-6	30 feet	12 feet	35 feet	30%
Rs-7	30 feet*	See Below	35 feet**	30%***
Rd-1	40 feet	20 feet	30 feet	35%
Rd-2	40 feet	20 feet	30 feet	40%

* The street yard setback may be reduced to the average of the yards on each side within the same block but to not less than 20 feet.

** The rear yard may be reduced to 20 feet unless adjacent to a designated 100 year recurrence interval (base flood) floodplain (See 17.0435 and 17.0436).

*** The total building coverage or 'footprint' of permanent structures* on a parcel of land located within 1,000 feet of a lake of the state shall be:

+ No more than 20 percent of the total area of a parcel located within 300 feet of the OHWM or base flood elevation of a lake, whichever is greater; and,

+ No more than 30 percent of the total area of a parcel located between 300 and 1,000 feet of the OHWM or base flood elevation of a lake, whichever is greater.

+ **The total building coverage** or 'footprint' of permanent structures* on a parcel of land located within 300 feet of the OHWM or base flood elevation of a navigable stream, whichever is greater, shall be no more than 20 percent of the total area of the parcel.

See Section 17.0436(d) for mitigation opportunities

SIDE YARD SETBACK REDUCTION ON EXISTING PARCELS IN THE Rs-7 ZONING DISTRICT

Lot Width*	Min. Side Yard	Lot Width*	Min. Side Yard
110 feet or more	20 feet	60-69.9 feet	9 feet
100-109.9 feet	15 feet	55-59.9 feet	8 feet
90-99.9 feet	12 feet	50-54.9 feet**	7 feet**
80-89.9 feet	11 feet	45-49.9 feet**	6 feet**
70-79.9 feet	10 feet	44.9 feet or less**	5 feet**

* Average lot width, lot width as defined herein or lot width at the prescribed street building setback, whichever is less restrictive.

** Residences on these lots that are over one story in height must have side yard setbacks of at least eight (8) feet.