

**Ordinance No. 12-23-771  
Monona Common Council**

**AMENDING CHAPTERS 175 AND 480 OF THE CODE OF ORDINANCES  
REGARDING IN-GROUND SWIMMING POOLS IN THE SHORE YARD**

**WHEREAS**, the Common Council finds that it is reasonable and necessary for public health, safety, and welfare to regulate permanent swimming pools; and,

**WHEREAS**, swimming pools are currently allowed only in back and side yards and require a variance to be built in the shore yard; and,

**WHEREAS**, staff prepared an update to the Code of Ordinances which would allow for swimming pools to be built, with regulations, in shore yards; and,

**WHEREAS**, the Plan Commission reviewed and discussed the proposed Ordinance updates and held a public hearing on said updates at their December 11, 2023 meeting, which was preceded by a published Class II notice in Monona's *The Herald Independent* newspaper; and,

**WHEREAS**, the Plan Commission voted six (6) in favor and zero (0) opposed to recommend approval of the proposed Ordinance amendments (Attachment A) to the City Council; and,

**WHEREAS**, the Common Council finds it in the public interest to regulate in-ground swimming pools and accompanying elements in the shore yard as detailed in Attachment A.

**NOW, THEREFORE**, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** Chapter 480-24 D.(7) is hereby amended as stated in Attachment A.

**SECTION 2.** Chapter 480-25 D.(7) is hereby amended as stated in Attachment A.


**SECTION 3.** Chapter 175-22 A.(3)(b) is hereby amended as stated in Attachment A.

**SECTION 4.** Chapter 175-25 F. is hereby amended as stated in Attachment A.

**SECTION 5** This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 3 day of January, 2024

BY ORDER OF THE CITY COUNCIL  
CITY OF MONONA, WISCONSIN

  
\_\_\_\_\_  
Mary K. O'Connor  
Mayor

ATTEST:

  
\_\_\_\_\_  
Alene Houser  
City Clerk

Approval Recommended By: Plan Commission – 12/11/23  
Drafted By: Douglas Plowman, Director of Planning and Economic Development

Council Action:

Date Introduced: 12-18-23  
Date Approved: 1/3/24  
Date Disapproved: \_\_\_\_\_

## ATTACHMENT A

### § 480-24 Single Family Residence District.

#### D. District dimensional guidelines.

##### (7) Accessory buildings and structures.

(a) Maximum height: 14 feet.

(b) Distance. Must be no less than six feet from principal building.

(c) Minimum setbacks.

[1] Street yard. Same as principal building.

[2] Side yard: three feet. Overhangs shall not project more than 1/3 into setback area.

[3] Rear yard: three feet. Overhangs shall not project more than 1/3 into setback area.

[4] Shore yard: None, but the only accessory buildings permitted in shore yards are boathouses, boat shelters, boat landings and piers. In-ground swimming pools at least 25 feet back from the OHWM and clear of the regulated floodplain are permitted. Additional elements such as slides, diving boards more than two feet off the pool deck, and pool houses are prohibited. Additionally, any fencing that substantially blocks neighbors views may be subject to Plan Commission review.

(d) Lot coverage. Maximum total lot coverage of all accessory buildings on lot: 1,000 square feet. In-ground swimming pools are exempt from lot coverage requirements.

### § 480-25 Two-Family Residence District.

#### D. District dimensional guidelines.

##### (7) Accessory buildings and structures.

(a) Maximum height: 14 feet.

(b) Distance: must be no less than six feet from principal building.

(c) Minimum setbacks.

[1] Street yard: same as principal building.

[2] Side yard: same as principal building.

[3] Rear yard: 10 feet.

[4] Shore yard: none, but the only accessory buildings permitted in shore yards are boathouses, boat shelters, boat landings and piers. In-ground swimming pools at least 25 feet back from the OHWM and clear of the regulated floodplain are permitted. Additional elements such as slides, diving boards more than two feet off the pool deck, and pool houses are prohibited. Additionally, any fencing that substantially blocks neighbors views may be subject to Plan Commission review.

- (d) Lot coverage. Maximum total lot coverage of all accessory buildings on lot: 1,000 square feet. In-ground swimming pools are exempt from lot coverage requirements.

**§ 175-22 Fences and hedges.**

A. Residential fences. Fences or hedges for residential one- and two-family dwellings shall be erected or planted within the lot lines. All fences and hedges shall be erected or planted so as to not depreciate any immediate property or endanger any lives, as determined by the Building Inspector. Residential fences shall comply with the following requirements:

(3) Fence height.

- (a) Fences or hedges in side and rear yards shall not exceed six feet in height. Fences or hedges in side yards shall not extend beyond the front building line of the dwelling.
- (b) Fences or hedges on lots with water frontage shall comply with all requirements of this section, except that, on the shore yard, the fences or hedges shall be limited to a maximum height of 42 inches (48 inches when directly surrounding an in-ground swimming pool) and shall not be closer than 10 feet from the ordinary high-water mark.

**§ 175-25 Swimming pools and in-ground hot tubs.**

**[Amended 8-6-2018 by Ord. No. 7-18-706]**

F. Setbacks and other requirements.

- (1) Private swimming pools shall be erected or constructed on shore, rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) No swimming pool shall be located, constructed or maintained closer to any side, shore or rear lot line than is permitted in this chapter for an accessory building, and in no case shall the waterline of any pool be less than five feet from any lot line.