

Town of Sheboygan

4020 Technology Parkway Sheboygan, WI 53083 Phone (920) 451-2320

For Inspections

Please Call
SAFEbuilt @ 262-420-4732 & leave
information or
e-mail WIinspections@safebuilt.com

APPLICATION FOR SWIMMING POOL PERMIT

Residential Only please read attached Swimming Pool Ordinance

Date	Permit #:_				
Phone #:	Fee				
Location of Structure					
Owner					
Owner's Address					
Applicant Name (If different than owne	er)				
Contractor	Address				
Contractor's License Certification #:	ense Certification #:Phone #:				
Electrician's License #:	icense #:Phone #:				
Remarks					
Describe Work to be Done					
For Additions/Garages/Sheds/Accessor Zoning: Size x	y Use Structures:	Height	T _f		
Setbacks from Property Lines: Street	Sq. Ft of acce	ssory use:	Lot sizer	emaining	
Percentage of lot uncovered by a structu	ıre:(This ir	ncludes inground	<mark>d pools)</mark>		
Administration Fee	construction cost 00 Each** ned by inspector. It is a construction cost	Reinspection's r	\$20.00 \$35.00 \$ \$ required to clea	r a failed	
be done in accordance with the descriptions he alter, repair and install in strict compliance with Sheboygan and the State Building Code of Wibuildings of the Town of Sheboygan. The privacceptance of the privilege, the said undersign damage to persons or property caused by and a	erein set forth in this th the Building Ordi isconsin and to obey vilege as granted abouted, shall become pri	statement; and it in nance and other O any and all lawful ove is granted only imarily responsible	is further agreed to rdinances of the Tolders of the instruction on the condition and liable for an	to construct, Town of pector of that by the	
Signature	Da	ate			

NOTE: If electrical is needed for the pool, a licensed electrician is required. All pools are considered accessory use. No part of any accessory building shall be located closer than five feet (5') from any side or rear property line, nor closer than (10') to any main building, unless it is attached to or forms a part of such main building. See attached Chapter 7 Section 10 standards.

Pools require a fence permit! (\$75 admin. Fee waived if submitted with pool permit)

This permit expires twelve (12) months from date of issuance.

NO STRUCTURES ARE ALLOWED TO BE BUILT WITHIN SETBACK AREA OR EASEMENT AREA

Cautionary Statement to Owners Obtaining Building Permits

101.65(Ir) of Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654(2)(a), the following consequences might occur:

- (a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.
- (b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and 2-family dwelling code or an ordinance enacted under Sub. (1)(a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

SIGNATURE	DATE

SECTION 10 NONCONFORMING USES, STRUCTURES AND LOTS ACCESSORY USES

10.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- a <u>Only That Portion</u> of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- b. <u>Total Lifetime Structural Repairs</u> or alterations shall not exceed fifty percent (50%) of the market value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.
- c <u>Substitution of New Equipment</u> may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

10.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty percent of its fifty percent (50%) of its current market value, it shall not be restored, except so as to comply with the use provisions of this Ordinance.

<u>A Current File</u> of all nonconforming uses shall be maintained by the Town Clerk listing the following: Owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a nonconforming use.

10.3 Existing Nonconforming Structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

10.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revent back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

10.5 Substandard Lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.

<u>Such Lot or Parcel</u> shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following, except where the Department of Natural Resources require more:

Lot		Width	Minimum sixty feet (60')	
		Area	Minimum 12,000 square feet	
Build i ng		Area	Minimum 1,000 square feet	
		Height	Maximum thirty-five feet (35')	
Yards	Street		See Section 8.5, Special Setbacks	
		Rear Side	Minimum twenty-five feet (25')	
			Minimum not less than eight feet (8')	

If a substandard lot was created by a transfer of any kind from abutting lands, this section shall not apply.

10.6 Moving Buildings

No buildings or other structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part for any distance whatever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

10.7 Nonconforming Accessory Uses

No nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.

10.8 Accessory Uses

a <u>Purpose.</u> The uses of land, buildings, and other structures permitted in each district are determined by the list of permitted uses for such district. In addition to such listed permitted uses, it is customary to allow certain accessory uses. This section defines generally the types of accessory and temporary uses, which will be allowed and gives certain specific examples of each. Section 10 General Permitted Uses. Accessory uses are permitted in any district in connection with any use, which is permitted within such district. An accessory use is a building or use which:

- (1) Is subordinate to and serves a principal building or a principal use;
- (2) Is subordinate in area, extent, or purpose to the principal building or principal use served:
- (3) Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served;
- (4) Is located on the same premises as the principal building or principal use served.
- c <u>Specific Regulations.</u> An accessory building or accessory use includes, but is not limited to, the following, provided however, that all of accessory buildings and accessory uses must also be incidental to the main building or the dominant uses must also be incidental to the main building or the dominant use of the premises and be located on the same premises and be in compliance with applicable district regulations.
 - (1) Private one-story garage, carport and all accessory use structures shall not exceed the following limitations:
 - (a) For a single-family residence on lots or parcels of less than two (2) acres: All garage and accessory use structures shall not exceed one thousand five hundred (1,500) square feet.**
 - (b) For a single-family residence on lots or parcels of two (2) acres or greater, but less than five (5) acre: All garage and accessory use structures shall not exceed a total of two thousand two hundred fifty (2,250) square feet. **
 - (c) For a single-family residence on lots or parcels of five (5) acres or greater: All garage and accessory use structures shall not exceed a total of three thousand (3,000) square feet.**
 - (d) The Town Board may approve accessory use structures that exceed the limitations provided above by conditional use permit pursuant to the procedure and standards set forth in section 6 of this code.
 - (e) A conditional use permit, as governed by Chapter 6 of the Zoning Code, and authorizing greater private garage, carport or accessory use structure square footage shall be granted, granted with conditions, or denied based upon the consideration of the following factors: Proximity to adjacent lots, impact on storm water drainage, potential impacts on other utilities, impact to surrounding land uses, and physical characteristics of the proposed private garage, carport or accessory use structure, including size and compatibility with the principal dwelling.
 - ** Square footage is determined by adding all accessory use structures in their entirety. This includes all sheds, garages, gazebos, etc.

- (f) For a multi-family residence: Two cars per dwelling unit that shall not exceed six hundred (600) square feet per unit.
- (2) A shed or building for storage incidental to a permitted use, provided that such shed shall not exceed two hundred (200) square feet and shall have a maximum height of twelve (12) feet. The shed shall be constructed on a four (4) inch concrete slab and the walls shall be bolted down with at least 3/8" bolts imbedded in said concrete. Structures which have less than fifty cubic feet (50') of interior space are exempt from the requirements of this subsection.
- (3) A child's playhouse.
- (4) Private swimming pool and bath house.
- (5) Statuary arbors, trellises, barbecue stoves, flag poles, fences, walls, and hedges.
- (6) Outdoor storage, except as specifically permitted by the district regulation, is prohibited.
- Outdoor Furnaces. Outdoor furnaces means a furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.
 - (a) <u>Exclusions.</u> This section does not apply to: Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances; burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation; the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.
 - (b) Regulation. An outdoor furnace may be installed and used in the Town only in accordance with the following provisions:
 - 1. <u>Building Permit.</u> The owner of the outdoor furnace shall obtain a building permit pursuant to Chapter 8 of this Municipal Code. Any violation of this subsection shall void the permit.
 - 2. <u>Emission Standards.</u> The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.
 - 3. <u>Location.</u> The outdoor furnace shall be located at least two hundred feet (200') from the nearest building, which is not on the same property as the outdoor furnace; at least one hundred feet (100') from the side or rear lot line; and not in a front or street yard.

- 4. <u>Chimney.</u> The outdoor furnace shall have a chimney that extends at least fifteen feet (15') above the ground surface. If there are any residences within two hundred fifty feet (250'), the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and, if the smoke from the lower chimney height does not create a nuisance for neighbors.
- 5. <u>Prohibited Time.</u> The outdoor furnace may not be in operation from May 1 through October 31.
- 6. <u>Other Restrictions.</u> The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.
- (c) <u>Materials That May Not Be Burned.</u> An outdoor furnace shall not be used to burn any of the following materials:
 - Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
 - Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
 - Asphalt and products containing asphalt.
 - Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
 - 5. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.
 - 6. Rubber, including tires and synthetic rubber-like products.
 - Newspaper, corrugated cardboard, container board, office paper, and similar materials.
- (d) Right of Entry and Inspection. The Building Inspector, or any authorized Town officer, agent, employee, or representative who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this subsection. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119."
- d <u>Bulk Regulations</u>. All accessory uses shall comply with the bulk regulations of the district in which they are located, except the following are permitted in all yards: open terraces not covered four feet (4') above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, awnings and canopies; steps four feet (4') or less

above grade, which are necessary for access to a permitted building or for access to a lot from a street or alley; one (1) story bay windows and overhanging eaves and gutters projecting thirty inches (30") or less into the yard; chimney projections thirty inches (30") or less into the yard; arbors and trellises; flag poles, signs, recreation and laundry drying equipment; lights, pillars, planters, posts, fountains and other water features, provided they are set back at least two feet (2') from the property line.

- e. <u>Standards.</u> All accessory uses shall comply with all standards applicable to the district in which they are located, and with the following additional standards.
 - (1) No accessory building or structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal building to which it is accessory.
 - (2) No part of any accessory building shall be located closer than five feet (5') from any side or rear property line, nor closer than ten feet (10') to any main building, unless it is attached to or forms a part of such main building.
 - (3) No accessory use shall be permitted in any required front yard unless it is a permitted obstruction within the meaning of Section 10.8, d., above.
 - (4) Garage or car port shall not exceed twenty (20) feet in height.
- f. <u>Conditional Use Permit.</u> A conditional use permit may be issued pursuant to Section 6 of this Ordinance allowing a two-story garage or carport.
 - (1) Said permit may be issued upon compliance with all the requirements of this Ordinance, including the particular district said lands are located in and of this section and Section 6.
 - (2) Said permit may, among other things, restrict the use of construction material of the requested accessory structure (see 6.5).
 - (3) Failure to comply with the restrictions of any conditional use permit issued under this Ordinance may result in the termination of the permit and removal of the structure and other improvements associated therewith, in addition to any penalties provided by law.
 - (4) All other provisions of this Ordinance shall be observed with the granting of a conditional use permit, including height limitations of each district.

10.9 Swimming Pools

a. Definitions:

- (1) Aboveground pool-type O: A removable pool of any shape that has a minimum water depth of thirty-six inches (36") and maximum water depth of forty-eight inches (48"). The wall is located on the surrounding earth and may be readily dissembled or stored and reassembled to its original integrity.
- (2) <u>Hot tub:</u> A spa constructed of wood with sides and bottoms formed separately, joined together by pressure from surrounding hoops, bands or rods, as distinct from spa units formed of plastic, concrete, metal or other materials.
- (3) In ground pool: A permanently installed swimming pool that is constructed in the ground, out of doors or in a building in such a manner that it cannot be readily dissembled for storage.
- (4) On ground residential swimming pool-type O: A removable pool package whose walls rest fully on the surrounding earth and has an excavated area below the ground level where diving, diving equipment and use of a water slide are prohibited. The floor slope adjacent to the shallow area shall have a maximum floor slope of 1:3, and the slope adjacent to the sidewalk shall have a maximum slope of 1:1.
- (5) Spa, permanent residential: A spa in which the water heating and water-circulating equipment is not an integral part of the product. The spa shall be intended as a permanent plumbing fixture.
- (6) Spa, residential portable, either self-contained or not self-contained:
 - (a) <u>Self-contained spa:</u> A spa in which all control, water heating and water circulating equipment is an integral part of the product.
 - (b) Non self-contained spa: A spa in which the water heating and water circulating equipment is not an integral part of the product. Non selfcontained spas may contain separate components such as an individual filter, pump, heater and controls or they may employ assembled combinations of various components.
- (7) <u>Swimming pool, in ground residential:</u> A constructed pool, permanent or non-portable, that is intended for non-commercial use as a swimming pool by not more than three (3) owner families and their guests, over twenty-four inches (24") in depth, has a surface area exceeding 250 square feet and/or a volume over 3,250 gallons.
- (8) Type O: Any residential pool where the installation of diving equipment is prohibited.
- b. <u>Permit Required:</u> No in ground pool, nor on ground residential swimming pool, as defined above, shall be constructed, altered, remodeled or improved unless a permit therefore shall first be obtained from the building inspector.
- c. <u>Submission of Plans</u>: Plans and specifications for swimming pools which require a permit shall be submitted with the application for the swimming pool permit and shall include:
 - (1) plans, including a profile, drawn to scale showing all dimensions;
 - equipment, layout of filters, pumps, strainers, sumps, gutters, skimmers, inlets, outlets, waste discharge lies, circulations and other piping;
 - (3) type, care and description of chlorination;
 - (4) capacity of pool;

(5) proposed location on tract of land.

d. Design and Construction:

- (1) The material used for lining aboveground pools, in ground pools and on ground residential swimming pools shall be light in color and provide a tight tank with smooth and easily cleaned surfaces.
- (2) The walls of aboveground pools, in ground pools and on ground residential swimming pools shall be vertical. Conspicuous markings shall show the depth of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes.
- (3) Overflow gutters for swimming pools whose construction provides for said gutters shall completely surround the pool, provided that if such pool is less than thirty (30) feet in width, it may be provided with a skimmer built in to the sides and corners of the pool to take the place of gutters if approved by the building inspector.
- (4) Pools under thirty feet (30') in width shall have at leaset one (1) outlet at the deepest point of sufficient size to permit the pool to be completely emptied in eight (8) hours. Inlets shall be located to make possible a uniform circulation of water throughout the pool.
- (5) In ground pools shall be completely surrounded by a walkway.
- (6) Aboveground pools, Ingrown and on ground residential swimming pools shall provide for a complete recirculation of water through all parts of the pool.
- (7) Disinfecting equipment shall be adequate to conform to sanitary requirements.
- e. Barrier Protection Required: All aboveground pools, in ground pools and on ground residential swimming pools shall be surrounded by a barrier, unless otherwise specified in Section 10.9. Barrier protection shall be approved by the building inspector at final inspection.
 - (1)Walls, fences and structures as barrier protection. Barrier walls and fences may be alone walls and fences or may be in combination with a structural pool, spa or hot tub walls, or a building /dwelling wall to form the barrier around the swimming pool, spa or hot tub.
 - (a) <u>Dimensions:</u> The top of the wall/fence shall be at least forty-eight inches (48") above grade measured on the side of the wall/fence which faces away from the swimming pool, spa or hot tub. The maximum vertical clearance between grade and the bottom of the wall/fence shall be four inches (4").
 - (b) Chain link fence: Where a chain link fence is provided as the barrier, the perpendicular distance between parallel sides of the link shall not exceed two and one-quarter inches (2-1/4") which corresponds to a two and one-quarter inches (2-1/4") mesh size or chain link fencing as contained in specification for residential fencing of the Chain Link Fence Manufacturer's Institute.
 - (c) Picket/Ornamentation fence: Where a picket/ornamental fence is provided as the barrier, the horizontal open air spacing between pickets shall be a maxim um of four inches (4") between all vertical pickets and support posts. Where a picket/ornamental type fence is provided, the maximum vertical opening between the grade and the lowest part of the horizontal bottom rail or pickets of the fence shall not exceed four inches (4"). Decorative detail shall not provide climb-ability. Minimum openings between decorative detail shall be one and three-quarter inches (1-3/4") greater.

- (d) Spacing, less than forty-five inches (45"): Where the barrier is composed or horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal member shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters inches (1-3/4") in width. Decorative cutouts shall not exceed one and three-quarters inches (1-3/4") in width.
- (e) Spacing, more than forty-five inches (45"). Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Decorative cutouts shall not exceed one and three-quarters inches (1-3/4") in width.
- (2) <u>Pedestrian access gates:</u> Access gates in the barrier shall comply with the requirements of Section 10.9(e), and be self-closing, self-latching, accommodate a locking device, and open outward away from the pool, spa or hot tub except where natural topography or other conditions dictate that it open inward.
 - (a) <u>Latch Release.</u> Release of the latch on the self-latching device for the gate shall be activated as follows: a height no less than fifty-four inches (54") above grade for chain link access gates and at a height no less than fiftyfour inches (54") above the horizontal bottom rail of a picket/ornamental access gate, or; on the pool, spa or hot tub side of the gate at a distance no less than three inches (3") below the top of the gate.
 - (b) <u>Self-latching devices</u>, Where a self-latching device is also self-locking and is opened by means of a key, electronic opener, or integral combination lock, it may be located at any height on the gate, so long as it does not negate the function of the gate. Said gate need not comply with Section (d) below:
 - (c) Chain link access gate: Where the gate is a chain linked gate, and where the release of the self-latching device is activated in accordance with (c), there shall be no opening grater than one-half inch (1/2") in diameter within eighteen inches (18") where the latch release is activated when the gate is closed.
 - (d) Picket/ornamental access gate: Where the gate is a picket/ornamental type, such that the distance between the vertical members is greater than one and three-quarter inches (1-3/4"), and where the release of the self-latching device is activated in accordance with section 2(b) above, there shall be no opening the gate/fence greater than one-half inch in diameter within eighteen inches (18") of where the latch release is activated when the gate is closed.
- (3) Other access gates: Gates other than pedestrian access gates need not have a self-closing, self-latching feature, but shall be provided with the means to secure the gate when it is not in use.
- (4) <u>Automatic Power Safety Cover:</u> An in ground pool that does not have a barrier as required in Section 10.9e, shall have an automatic power safety cover as defined by Section 10.9, below. The automatic power safety cover shall be installed and approved by the building inspector at final inspection.

Section 2. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 10.9 thereof, Swimming Pools, is hereby amended to add the following:

- "p. Electrical Installation. Electric service to all pools shall be installed by and electrician licensed pursuant the the requirements of the Wisconsin Department of Safety and Professional Services Chapter 305, Sub chapter IV-Electrical and installed pursuant the the standards set forth in Article 680, Swimming Pools, Fountains, and Similar Installation, of the National Electric Code, as amended.
- q. Penalty. Any person, firm or corporation who fails to comply with the provisions of this Ordinance, shall upon conviction thereof, forfeit not less that \$10.00 nor more than \$500.00, and cost of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense."

Amended and Enacted March 21st, 2023



Town of Sheboygan 4020 Technology Parkway Sheboygan, WI 53083 Phone (920) 451-2320

APPLICATION FOR FENCE PERMIT-Residential Only

Date	Permit No			
	Fee			
Location of Structure				
Owner's Address				
	an owner)			
	Address			
Remarks	Cost of Project:Fence Height:			
Fence Material:	Fence Height:			
Administration Fee				
Signature	Date			
-	xpires twelve (12) months from date of issuance. WED TO BE BUILT WITHIN SETBACK AREA OR EASEMENT AREA			
	ea below, a site plan indicating where the fence will be in your			
	I to have two front yards. The setbacks are 60 feet from the			
centerline of the road.				