CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: November 25, 2020

To: Plan Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the December 14, 2020 Plan Commission Meeting and Common Council Meetings of January 12 and 26, 2021

Request by Vik Malling to amend zoning ordinance section 78-722(7) Swimming Pool Standards.

This amendment is being proposed as an alternative to placing fencing around a swimming pool and instead placing fencing on top of the pool wall and around any decking and stairs if applicable to prevent access without adult supervision. A public hearing was held on October 12, 2020. A recommendation to Council is necessary. The ordinance, previous minutes and application information are provided. We believe this could be a workable change to the ordinance if followed correctly by the property owner.

CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL		
Amending Zoning Code Sections 78-722 of the Stoughton Municipal Code		
Committee Action:	Plan Commission recommends approval - 0	
Fiscal Impact:	None	
File Number:	O - - 2020	**Date Introduced:**

The Common Council of the City of Stoughton do ordain as follows:

Sec. 78-722 – Swimming Pool Standards

(1) *Definition.* A "swimming pool" means an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located **above or** below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator or lessee thereof and ~~his~~ by family and ~~by~~ friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(2) *Exempt pools.* ~~Non-filtered~~ storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity **and have a maximum water capacity of 36 inches** are exempt from the provisions of this section. Decorative pools that are 36 inches or less in **maximum water** depth are exempt from the provisions of this section. Spas and hot tubs with lockable tops are also exempt.

(3) *Permit required.* Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add thereto must be submitted in writing to the building inspector. Plans and specifications and pertinent explanatory data should be submitted to the building inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A current fee shall accompany such application.

(4) *Construction requirements.* In addition to such other requirements as may be reasonably imposed by the building inspector, the building inspector shall not issue a permit for construction as provided for in subsection (3), above, unless the following construction requirements are observed:

(a) *Approved materials.* All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be

in accord with all state regulations and code and with any and all ordinances of the city now in effect or hereafter enacted.

(b) *Plumbing.* All plumbing work shall be in accordance with all applicable ordinances of the city and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system~~,~~ or onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(c) *Electrical installations.* All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and city ordinances regulating electrical installations.

(5) *Setbacks and other requirements.*

(a) Private swimming pools shall be erected or constructed on 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.

(b) All swimming pools shall be at least six feet from any lot line or building unless designed and approved as an addition to a building.

(6) *Enclosure.* Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall **including gates and doors** shall not be less than five feet in height **from ground level,** ~~**and**~~ not less than four feet from the pool edge, and constructed not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. **Above ground pools with an attached rail fence system that combined with the side of the pool is at least 5 feet in overall height above ground level satisfies fencing height requirements. Any deck or entry attached or adjacent to an above ground pool must be fenced to meet the 5-foot height requirement and any stairs used to gain entrance to an above ground pool shall be equipped with a gate with self-closing, self-latching devices as described above.** ~~**This section shall not apply to existing fences on the date of adoption of the ordinance from which this section is derived at least 40 inches in height that otherwise comply with this section.**~~

(7) *Compliance.* All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the **zoning administrator** ~~**building inspector**~~ for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(8) *Draining and approval thereof.* No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

(9) *Filter system required.* All private swimming pools within the meaning of this chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(10) *Dirt bottoms prohibited.* All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted:_____

Mayor Approved: _____ _____

Tim Swadley, Mayor

Published:_____

Attest:_____ _____

Holly Licht, City Clerk

City of Stoughton Application for Amendment of Zoning Regulations
(Requirements per Section 78-902)

Applicant Name: V. K Malling

Applicant Address: 340 Stoney Ridge Trl

Applicant Phone and Email: 608 345 8052 vmalling@charter.net

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Zoning Ordinance text *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City when processing said application.

I. Record of Administrative Procedures for City Use

Application form filed with Zoning Administrator Date: 18 Sep 20

II Application Submittal Packet Requirements for City and Applicant Use

Prior to submitting the complete application as certified by the Zoning Administrator, the Applicant shall submit a draft application for staff review, followed by one revised final application packet based upon staff review and comments. The application shall include the following:

- ☑ **(a) A copy of the provisions of the current Zoning Ordinance which are to be amended.**
- ☑ **(b) A copy of the text which is proposed to replace the current text.**
- ☐ **(c) Written justification for the proposed text amendment**
  - ☐ Indicating reasons why the Applicant believes the proposed text amendment is in harmony with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-902(4)(c)1.-5.

III Justification of the Proposed Zoning Ordinance Amendment for Applicant and City Use

1. How does the proposed Official Zoning Ordinance amendment further the purposes of the Zoning Ordinance as outlined in Section 78-005?

   Attached

2. How does the proposed text amendment further the purposes of the general Article and specific Section in which the amendment is proposed to be located?

   Attached

3. Which of the following has arisen that are not properly addressed in the current zoning text (Check One)?

- ☐ The provisions of the Zoning Ordinance should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.)
- ☐ A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
- ☑ New methods of development or providing infrastructure make it necessary to alter the Zoning Ordinance to meet these new factors.
- ☐ Changing governmental finances require amending the Zoning Ordinance to meet the needs of the government in terms of providing and affording public services.
- ☐ Explain if necessary:

4. If the proposed text amendment is concerned with the provisions of Articles II and/or III: how does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

Attached

IV. Final Application Packet Information for City Use

Receipt of final application packet by Zoning Administrator	Date: 9/21/20
Notified Neighboring Property Owners (within 300 feet)	Date: 9/28/20
Notified Neighboring Township Clerks (within 1,000 feet)	Date: 10/6/20
Class 2 legal notice sent to official newspaper by City Clerk	Date: 9/21/20
Class 2 legal notice published on 9/24/20 and 10/1/20	~~Date:~~

Sec. 78-902. - Amendment of zoning regulations.

(1) *Purpose.* The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this chapter. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).

(2) *Initiation of request for amendment of this chapter.* Proceedings for amendment of this Ordinance may be initiated by any one of the following three methods:

(a) An application by any member of the general public;

(b) A recommendation of the plan commission; or

(c) By action of the common council.

(3) *Application requirements.* All applications for proposed amendments to this chapter, regardless of the party of their initiation per subsection 78-902(2) above shall be approved as complete by the zoning administrator prior to the formal initiation of this procedure. The submittal of an application to the zoning administrator to initiate this procedure shall not occur until the zoning administrator has certified acceptance of the complete application to the zoning administrator. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the zoning administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the zoning administrator, the applicant shall provide the zoning administrator with 15 copies of the complete application as certified by the zoning administrator. Said complete application shall be comprised of all of the following:

(a) A copy of the portion of the current provisions of this chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;

(b) A copy of the text which is proposed to replace the current text; and

(c) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the recommendation of the comprehensive plan, particularly as evidenced by compliance with the standards set out in subsection 78-902(4)(c)1 - 4, below.

(4) *Review by the zoning administrator.* The proposed text amendment shall be reviewed by the zoning administrator as follows:

(a) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, he shall return the application to the applicant. If the zoning administrator determines that the application is complete, he shall so notify applicant.

(b) Upon notifying the applicant that his application is complete the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per subsection 78-902(3)(a) through (c), above.

(c) The zoning administrator may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the comprehensive plan, particularly as evidenced by compliance with the standards of subsection 78-902(4)(c)1 - 4, below:

1. The proposed text amendment furthers the purposes of this chapter as outlined in section 78-005.

2. The proposed text amendment furthers the purposes of the general article 0 n which the amendment is proposed to be located.

3. The proposed text amendment furthers the purposes of the specific section in which the amendment is proposed to be located.

4. The following factors have arisen that are not properly addressed in the current zoning text:

a. The provisions of this chapter should be brought into conformity with the comprehensive plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);

b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);

c. New methods of development or providing infrastructure make it necessary to alter this chapter to meet these new factors;

d. Changing governmental finances require amending this chapter in order to meet the needs of the government in terms of providing and affording public services.

5. If the proposed text amendment is concerned with the provisions of article II and/or III: The proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.

(d) The zoning administrator shall forward the review per subsection 78-902(4)(b), and if it has been prepared, the report per subsection 78-902(4)(c), to the plan commission for the commission's review and use in making its recommendation to the common council. If the zoning administrator determines that the proposal may be in conflict with the provisions of the comprehensive plan, the zoning administrator shall note this determination in the report.

(5) *Review and recommendation by the plan commission.* The common council shall not make an amendment to this chapter without allowing an opportunity for a recommendation from the plan commission per the provisions of this subsection.

(a) The zoning administrator shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the zoning administrator. The applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten days before said public hearing, the city clerk shall mail an identical notice to the applicant, and to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.

(b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the plan commission), the zoning administrator may make a written report to the common council and/or may state in the minutes, its findings regarding subsection 78-902(4), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include a formal finding of facts developed and approved by the plan commission concerning the requirements of subsection 78-902(4)(c)1 - 4, above.

(c) If the zoning administrator fails to make a report within 60 days after the filing of said complete application (and in the absence of an applicant-approved extension (per subsection 78-902(5)(b), above), then the common council may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report and/or minutes from the plan commission per subsection 78-902(5)(b), above, shall not invalidate the proceedings or actions of the common council. If such a public hearing is necessary, the common council shall provide notice per the requirements of 78-902(5)(a), above.

State Law reference— Section 62.23(7)(d).

(d) If the plan commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in subsection 78-902(4)(c)1 - 4, above, after taking into consideration the proposal by the applicant.

(6) *Review and action by the common council.* The common council shall consider the plan commission's recommendation regarding the proposed text amendment. The common council may request further

information and/or additional reports from the plan commission, zoning administrator, and/or the applicant. The common council may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings, at the common council's, or the applicant's request. The common council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the zoning administrator, the plan commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the common council wishes to make significant changes in the proposed text amendment, as recommended by the plan commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to common council action. Any action to amend the provisions of proposed amendment requires a majority vote of the common council. The common council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

(7) *Effect of denial.* No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.

(8) *Fee.* A fee may be required for this procedure. Refer to section 78-919.

Sec. 78-722. - Swimming pools standards.

(1) *Definition.* A "swimming pool" means an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(2) *Exempt pools.* Non-filtered storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section. Decorative pools that are 36 inches or less in depth are exempt from the provisions of this section. Spas and hot tubs with lockable tops are also exempt.

(3) *Permit required.* Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add thereto must be submitted in writing to the building inspector. Plans and specifications and pertinent explanatory data should be submitted to the building inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A current fee shall accompany such application.

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(b) *Plumbing.* All plumbing work shall be in accordance with all applicable ordinances of the city and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(c) *Electrical installations.* All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and city ordinances regulating electrical installations.

(5) *Setbacks and other requirements.*

(a) Private swimming pools shall be erected or constructed on 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.

(b) All swimming pools shall be at least six feet from any lot line or building unless designed and approved as an addition to a building.

(6) *Enclosure.* Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than five feet in height and not less than four feet from the pool edge, and constructed not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. This section shall not apply to existing fences on the date of adoption of the ordinance from which this section is derived at least 40 inches in height that otherwise comply with this section.

(7) *Compliance.* All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the building inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved. 2nd sentence

(8) *Draining and approval thereof.* No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

(9) *Filter system required.* All private swimming pools within the meaning of this chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(10) *Dirt bottoms prohibited.* All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

(Ord. No. 0-6-09, 6-23-2009; Memo. of 3-22-2010; Ord. No. 0-4-2011, § 106, 5-10-2011)

Amendment to (7) Compliance

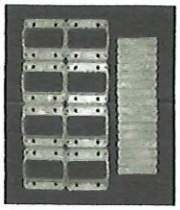
After first sentence insert a second and third sentence to read:

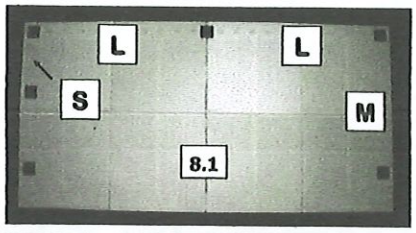
Above ground pools with a manufactured optional attached rail fence system at least 5 feet above ground level satisfies fencing requirements. Any deck or entry attached to an above ground pool must be fenced and/or have an entry gate or step guard to preclude unauthorized entry

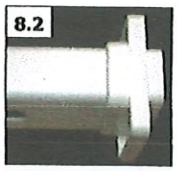
See Exhibit 1-3

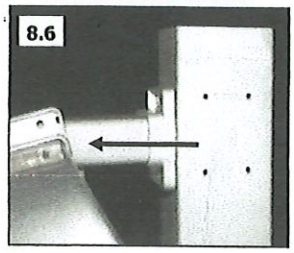
Step 8 - Attach & Secure Pickets & Handrails & Post Caps

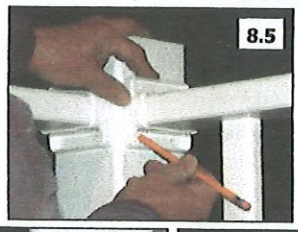
Gather parts for handrails (handrails, pickets, connectors & covers, screws & post caps). There are three different handrails - small (S), medium (M) & large (L). Note positioning of handrails (see 8.1). Fit a handrail connector on both ends of all handrails (see 8.2). Make certain large, flat surface of connector is towards end of rail (see 8.2). Insert pickets, section by section (S-M-L), into molded pockets of deck surface (see 8.3). Fit tops of pickets into precut holes in appropriate handrails (see 8.1 & 8.4). Slide connectors to ends of rails, towards posts. Center connectors against posts and with pencil, mark holes in connectors on the posts (see 8.5). Once all connectors marked, push rail & connector out of the way and drill a pilot hole using a 1/8" bit at all pencil marks (see 8.6). Secure all connectors in place using #8 x 3/4" screws provided (see 8.7 & 8.8). Snap screw cover caps in place (see 8.9). To keep handrails from moving, drill a 1/8" hole through side of connector & handrail (see 8.10). Secure using same #8 x 3/4" screws (see 8.7 & 8.11). Fit post caps and your railing is complete (see 8.10 & 8.11)

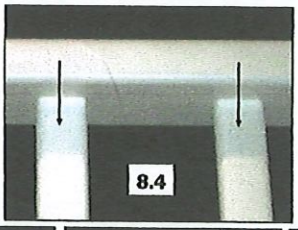


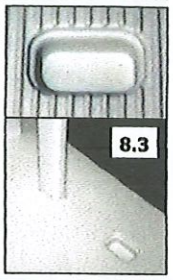


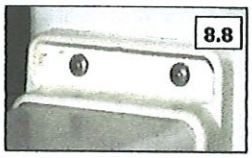


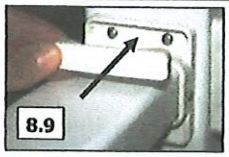


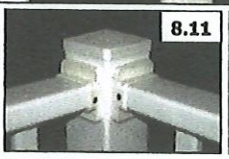


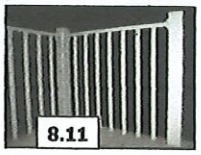






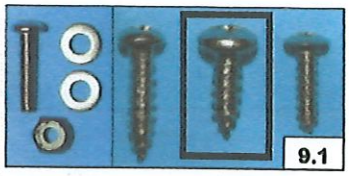


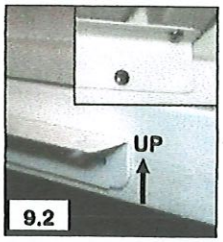


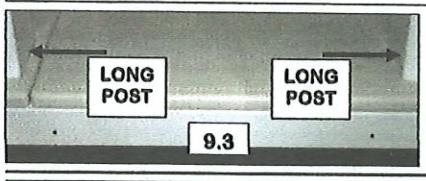


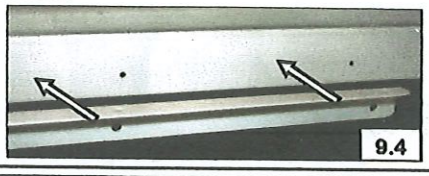
Step 9 - Attach Entry Support Angle

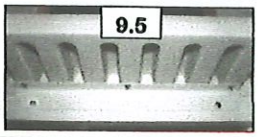
Select the G2D angle bolts & #14 x 3/4 screws (see 9.1). Position the G2D entry support angle in place & align the two holes (see 9.2 & 9.3 & 9.4). Secure angle to deck frame using bolts, washers both sides & nuts. **TIGHTEN**. The angle will be used for the G2D assembly & installation (see 9.5 + accompanying instruction page for G2D entry)







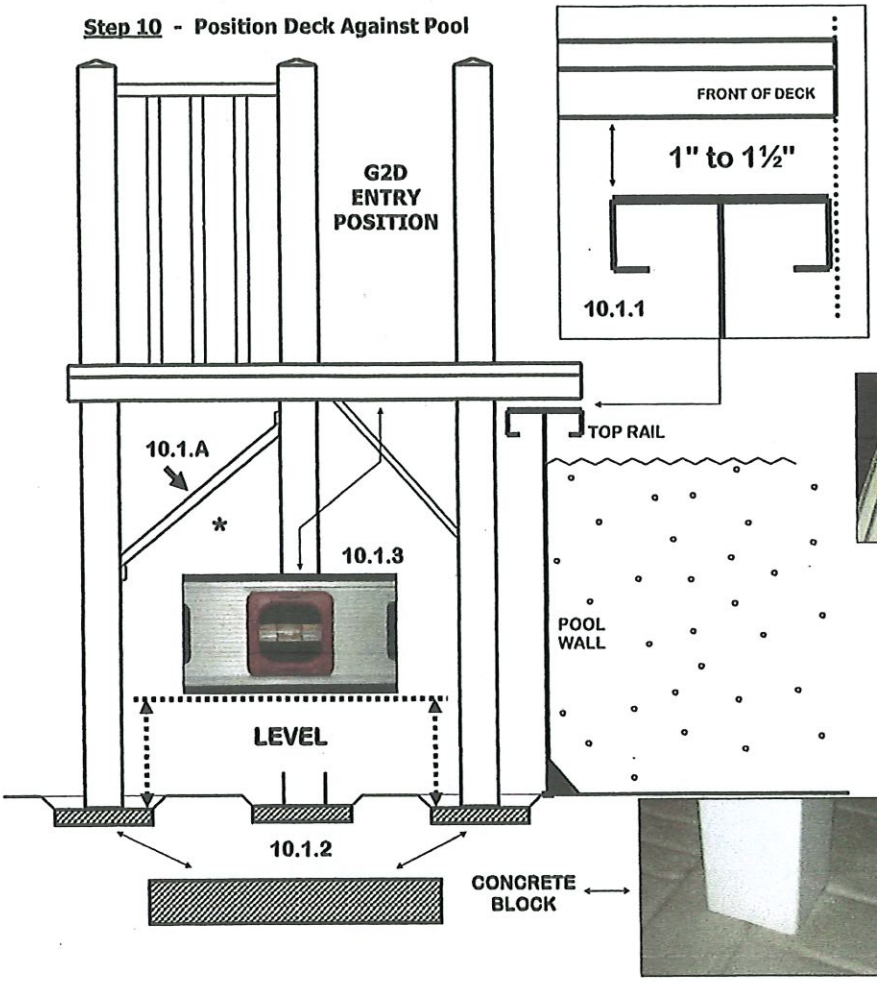




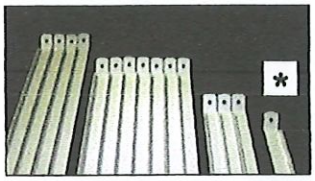
Consider adding Vinyl Works Canada's RESIN POOL FENCING to your pool for added security and cosmetic appeal. The fence kits are available in both white and taupe colors to match your deck. "Dress up" your pool and backyard today!

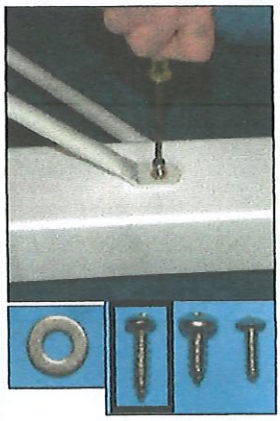
Exhibit 1

Step 10 - Position Deck Against Pool



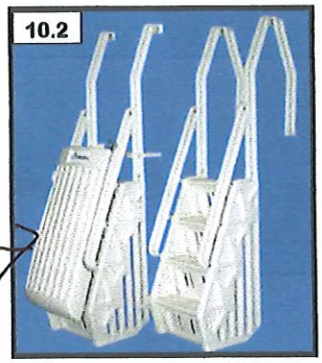
The last remaining tube brace needs to be attached ("special"10.1.A). The brace is attached between posts beside opening for the G2D step. Similar to Steps 4 & 6, position brace between posts and secure using a #14 X 1" screw on both ends. Make certain posts are level and plumb. This secures posts





Position deck against pool at desired location. The front of the deck is designed to cantilever the top rail of the pool sufficient only to prevent stepping on top rail & to eliminate gap between deck & top rail (see 10.1.1). The front edge of the deck should not protrude past the inside face of the top rail. It is **IMPORTANT** to leave a 1" to 1½" gap between the top rail of the pool & the underside of the deck so the pool is not bearing the weight of the deck. Also, it allows space to install the winter cover. The seven support posts should sit on 16" square x 2" thick concrete blocks (see 10.1.2). These concrete footings must be leveled and set at the proper elevation (see 10.1.3) to maintain proper clearance between deck & pool. Set elevation of blocks rather than cutting posts. Once complete, make certain deck is level, stable & does not rock. Continue with assembly & installation of steps & gate (see 10.2). **ABSOLUTELY NO DIVING or JUMPING from deck into pool**

Step guard installed



The assembly and installation of the deck portion of this product is now complete. After steps and gate have been installed it is important to review the safety instructions and proper use of this product with children and all those using this product so injury can be avoided. Do not deviate from the assembly and installation of this product as outlined within this manual. If you have questions please do not hesitate to contact the manufacturer for assistance

Exhibit 2

RESIN ABOVE GROUND POOL FENCE SYSTEM

PLEASE READ ENTIRE INSTRUCTION PRIOR TO ASSEMBLY & INSTALLATION OF FENCE TO FAMILIARIZE YOURSELF WITH COMPONENTS & PROCEDURES

REMEMBER - NOTHING REPLACES PARENTAL SUPERVISION AROUND A SWIMMING POOL

Exhibit 3

TOOLS REQUIRED

CAUTION WHEN USING POWER TOOLS AROUND WATER

1

Mount post brackets to vertical uprights of pool as shown (Figures 1-1). We recommend that the brackets be mounted just beneath top rail connector caps to maximize strength of fence. Place bracket base plumb against pool post / upright and mark the location of the mounting screws (2 of #14 x 1" screws). The rear of the bracket can be trimmed if pool upright is not level or has a center ridge. Predrill 5/32" holes. Mount base of post bracket. MAKE CERTAIN NOT TO OVERTIGHTEN SCREWS AS IT MAY CAUSE HOLES TO STRIP. Snap bracket post supports (left & right) together and slide into bracket base. Make certain top is "open" to fit post (see 1-1B). Fit desired post within and slide to bottom of bracket post supports. Note that pre-drilled screw holes in post (for rails) should face out, away from pool (see 1-3 below). Check that the precut rail holes for the bottom rail of fence is no more than 2" above top rail of pool (see 1-1A). The post can be cut down if necessary. Fit bracket nose cap over bracket post supports (and posts) and secure using 4 of the #8 x 3/4 screws provided. Align bolt holes in post bracket parts and secure using 1/4 x 3/4" bolt, washer & nut (see 1-1C). If required, telescope bracket in / out to clear top rail cap of pool. Repeat for all brackets and posts around pool.

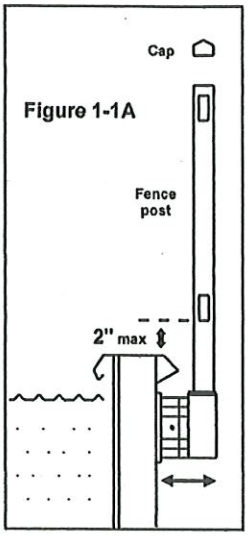
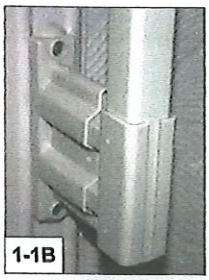
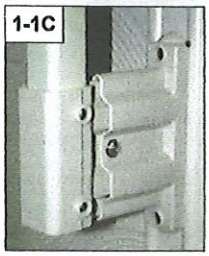


Figure 1-1A



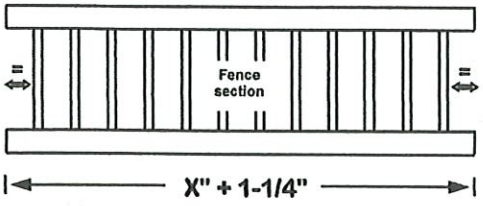
1-1B



1-1C

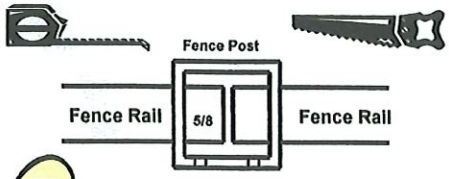
Figure 1-2

Measure distance between fence posts and add 1-1/4"
(Top view of two fence posts)



2

Determine the length of each fence section (Figure 1-2). Measure the distance between fence posts and add 1-1/4". The end of each fence rail should protrude 5/8" inside each fence post. Cut fence rails accordingly using either a hand or power saw. Balance the distance from the last picket to the fence post on both ends of the section so the final installation will look neat. Tip: cut both fence rails together / at once so that the pickets will be vertically plumb with the posts for a neat appearance. Fit bottom rail in place and balance each end so picket spacing is equal. Insert fence pickets. Fit top rail over pickets and into fence posts. Measure, cut and assemble for each individual fence section as sections may vary in length around your pool.



3

Secure ends of fence sections using the small #8 screws provided (see Figure 1-3). Make certain that the screws catch the rails on the inside of the posts. Failure to do so may result in a fence section coming apart. For additional security, use a single screw through top of post opening into each rail end. This will not allow rails to pull away from / out of posts. Repeat for each post and section. Fit post caps onto tops of posts. Check to be sure that entire installation is secure.

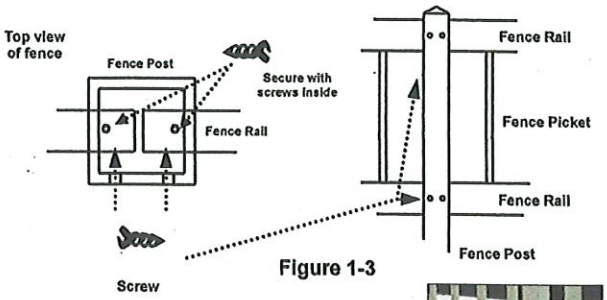


Figure 1-3

Connecting the fence to one of our Step Systems, Ladder or a deck ? Ask about our CONNECTOR KITS (sold separately)
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877 - VINYL WK

Instruction # 1600 - Revised Oct-2015

Plan Commission Meeting Minutes
Monday, October 12, 2020 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Tom Robinson; Tom Selsor; and Brett Schumacher
Members Absent: Tom Majewski
Staff: Michael Stacey, Zoning Administrator and Rodney Scheel, Director of Planning and Development
Press: None
Guests: Vik Malling; William Montelbano; Mary Allen; Bernie Lange; Nick Allen; Joseph Crubaugh.

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of September 14, 2020.**
   Motion by **Selsor** to approve the minutes as presented, 2nd by **Robinson**.

   Barman clarified the zoning code does not prohibit internally lit signs in the downtown design overlay zoning district rather the code prohibits plastic signs.

   Motion carried unanimously.

3. **Council Representative Report.**
   Caravello stated the Common Council approved the following:
   - Zoning amendment to allow alcohol production in the Central Business District
   - CSM approvals (2) for Habitat for Humanity at Abel Court
   - First reading for rezonings at Abel Court
   - CUP for Mershon's Cidery
   - CUP for Lutz Brothers
   - CUP for Bouzek
   - ETJ CSM for Lange
   - ETJ CSM for Chandler
   - First reading for zoning amendment related to exterior lighting regulation

4. **Staff Report - Status of Current Developments.**
   Scheel gave an overview of the current status of developments as outlined in the packet of materials. There were no questions.

5. **Request by Vik Malling to amend zoning ordinance section 78-722(7) Swimming Pool Standards.**
   Scheel explained the request.

   Mayor Swadley opened the public hearing.

   No one registered to speak.

   Mayor Swadley closed the public hearing.

Barman is concerned about the language related to the gated access to the stairs. Scheel stated current language requires self-closing, self-latching gates.

Vik Malling stated the proposal is to lock the gate but it could be self-closing, self-latching.

Barman stated the need to take into account all types of products when amending the code.

Motion by **Schumacher** to postpone this agenda item until the November meeting to allow staff to revise the language, 2nd by **Caravello**. Motion carried unanimously.

6. Request by William Montelbano for renovation approval at Fosdal's Bakery, 243 E. Main Street.

Scheel explained the request.

Joe Crubaugh stated the intent is to provide better access for customers.

William Montelbano gave an overview of the plans.

Scheel noted a survey will be necessary to determine the limits of the front property line for the ADA ramp.

Barman questioned the decision to change from a demo/addition to a renovation. Bernie Lange stated the change was driven by cost.

Caravello expressed concern that the ramp could be attractive to kids with skateboards.

The group discussed options to prevent kids from using the ramp for skateboards.

Mayor Swadley opened the public hearing.

No one registered to speak.

Mayor Swadley closed the public hearing.

Motion by **Robinson** to approve the renovation as presented, 2nd by **Caravello**.

Barman questioned the ADA ramp width and how much sidewalk would be left for pedestrians. Scheel stated the current width of the sidewalk is approximately 12 feet.

Scheel stated if the ramp is in the right-of-way, there will be a separate approval process.

William Montelbano stated the actual size of the ramp will be 3 feet 6 inches to allow for the railing.

Motion carried unanimously.

Plan Commission Meeting Minutes
Monday, November 9, 2020 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Tom Robinson; Tom Selsor; Tom Majewski and Brett Schumacher
Members Absent: None
Staff: Rodney Scheel, Director of Planning and Development
Press: None
Guests: Phil Harrison

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of October 12, 2020.**
   Motion by **Robinson** to approve the minutes as presented, 2nd by **Caravello**. Motion carried unanimously.

3. **Council Representative Report.**
   Caravello stated the Common Council approved the following:

   O-19-2020 – Amending the Zoning Classification at 1114 and 1115 Abel Court
   O-20-2020 – Amending Zoning Code 78-707 and 78-704 regarding exterior lighting

4. **Staff Report - Status of Current Developments.**
   Scheel gave an overview of the current status of developments as outlined in the packet of materials. There were no questions.

5. **Request by Vik Malling to amend zoning ordinance section 78-722(7) Swimming Pool Standards. (postponed from September 12, 2020)**
   Mr. Malling contacted the City and reported he couldn't participate tonight.

   Barman reported his understanding of our existing ordinances regarding fencing for pools: the fence is high enough (5 ft) so you don't have inadvertent accidents and far enough from the edge (4 ft) to prevent someone from jumping over the fence into the pool. He also stressed the "self-closing, self-latching" requirement is important to him. He suggested that the ordinance as proposed section 6 conflicts with section 7. He suggests we should clean up this section and has offered some suggested language to be considered.

   Motion by **Barman** to postpone action until December to allow Mr. Malling to participate and to have staff incorporate Commissioner Barman's suggested language into the draft ordinance, 2nd by **Robinson**. Motion carried unanimously.

6. **Proposed zoning ordinance amendment to repeal section 78-205(12) and all references to group developments.**
   Scheel explained the request.

   Mayor Swadley opened the public hearing.

   No one registered to speak.