



VILLAGE OF WINNEBAGO

MEMORANDUM

Prepared By: Joseph Dienberg, Village Administrator
To: Committee of the Whole
Date: May 20, 2026
Subject: Discussion Regarding Potential Amendments to the Village Landscape Ordinance Related to Residential Swimming Pools

The purpose of this memorandum is to facilitate a discussion regarding the Village’s current regulations governing the placement of residential swimming pools under Ordinance No. 2018-13, the Village’s Landscaping Ordinance.

This issue recently arose in connection with a permit application for a swimming pool at 208 E. Bluff Street. Staff reviewed the submitted site plan and determined that the proposed pool location would place the pool within the property’s side yard area. Under the current ordinance language, swimming pools are not permitted to encroach into required side yards. As a result, the permit application was denied.



The ordinance specifically states under Article III, Section C(1):

“No swimming pool shall encroach on any front or side yard required by the governing subdivision and zoning ordinances.”

For reference, the ordinance also requires that:

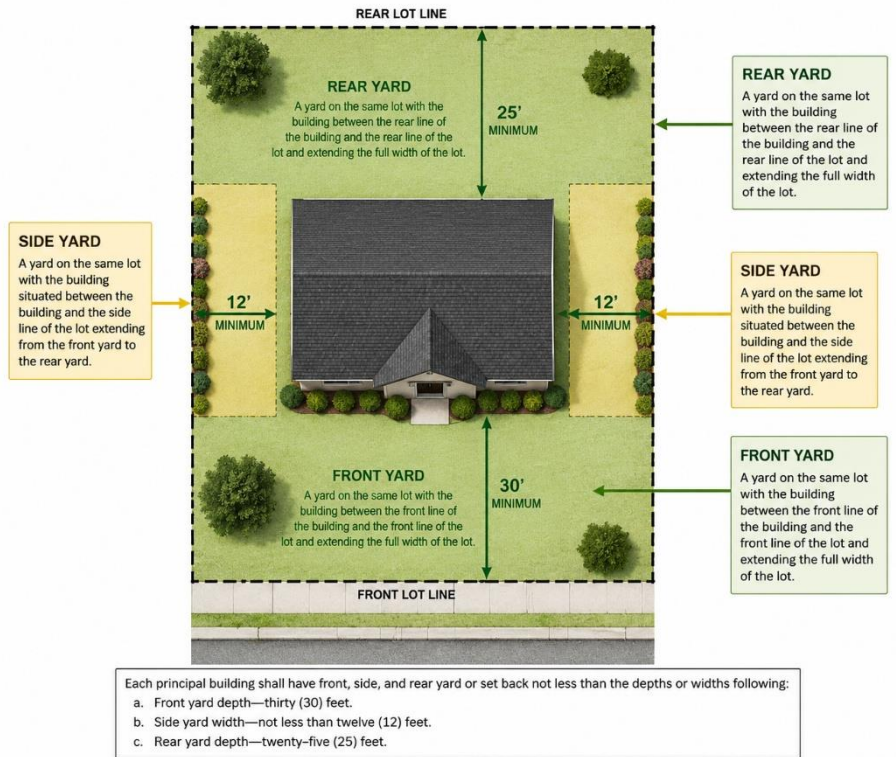
- A swimming pool wall be located at least six (6) feet from any rear or side property line; and
- Ten (10) feet from any street property line.

To assist the Committee in discussing this issue, below are the applicable yard definitions currently utilized by the Village:

Front Yard - “A yard on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.”

Rear Yard - “A yard on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.”

Side Yard - “A yard on the same lot with the building situated between the building and the side line of the lot extending from the front yard to the rear yard.”



For additional context, the Village’s residential zoning standards generally require a thirty (30) foot front yard setback, twelve (12) foot side yard setbacks, and a twenty-five (25) foot rear yard setback. On many older lots within the Village, homes are positioned farther back from the roadway, resulting in side yard areas that may function more similarly to what many residents would consider part of a backyard. In these instances, a pool located in a side yard may still be substantially screened from the street and neighboring properties. Conversely, on newer or narrower subdivision lots, the existing setback requirements may naturally limit the ability to place pools in side yards where adequate space does not exist, helping to avoid situations where a pool would be placed too close to neighboring homes or property lines.

Illustrations of the property layout and proposed pool location are attached for discussion purposes.

Initially, the homeowner was advised regarding the possibility of seeking a variance. However, after further staff review, it was determined that this matter falls outside of the Unified Development Ordinance (UDO) and instead is governed directly by Ordinance No. 2018-13. The ordinance does not establish specific standards or procedures applicable to this type of request in the same manner as the UDO zoning variance process. As a practical matter, the only clear relief available would be for the Village Board to amend the ordinance itself.

Staff is seeking Committee direction and feedback regarding whether the Village Board believes swimming pools should continue to be prohibited from encroaching into required side yards, or whether the ordinance should be amended to allow pools in side yards under certain conditions.

If the Committee wishes to move forward with a potential ordinance amendment, staff would recommend modifying Article III, Section C(1) as follows:

Current Language

“No swimming pool shall encroach on any front or side yard required by the governing subdivision and zoning ordinances.”

Potential Revised Language

“No swimming pool shall encroach on any front yard required by the governing subdivision and zoning ordinances.”

This language would continue to prohibit pools in front yards while allowing pools within side yards so long as minimum setbacks are maintained. Staff is seeking general policy direction from the Committee regarding whether the Board would have interest in pursuing an amendment to the ordinance.