



REPORT TO PLANNING COMMISSION CITY OF COLLINSVILLE

APPLICATION NUMBER(S)	TA 25-01
APPLICATION NAME:	Swimming Pools (Noncommercial) (Text Amendment)
APPLICANT NAME:	City of Collinsville 125 South Center Street Collinsville, IL 62234
APPLICANT'S REQUEST:	A City-initiated request for approval of amendments to Title 17 (Zoning) as it relates to the City's accessory pool requirements (noncommercial).
COMMISSION MEETING DATE:	July 10, 2025
CASE MANAGER:	Caitlin Rice, AICP, Senior Planner
RECOMMENDATION:	APPROVAL

REQUEST

The City of Collinsville has initiated a request to amend the following sections of *Title 17—Zoning of the City's Code of Ordinances* as it relates to above ground and in ground pool standards on noncommercial property. The intent of this amendment is to reduce the required side and rear yard setbacks from ten (10) feet to five (5) feet , clarify enclosure requirements and modernize the language. The following section is proposed to be amended:

BACKGROUND

The City is seeking to adopt a Text Amendment that will revise the Zoning ordinance to reduce the required setbacks from property lines and generally update the language. Also presented are two (2) versions of the ordinance, Version A: removing this requirement and deferring to the adopted building code, which permits the wall of an above ground pool to meet the barrier requirements. Version B: clarifying that a separate fence enclosure is required, even for above ground pools.

This request is spurred due to the approval of Variance 25-03 William & Cathy Schuermann, 221 Lee Avenue, which permitted an above ground pool 6'3" from the side property line. This variance was denied by the Zoning Hearing Officer but was reviewed and approved by the City Council on June 10th, 2025. With this approval, staff moved to revise the Zoning Ordinance to match the Council's decision. All other accessory structure setbacks are five (5) feet, and staff is proposing five (5) feet for all pools to be consistent. Another key part of this request is clarifying fence/barrier requirements. The building code the City has adopted requires a minimum four (4) foot tall wall or fence equipped with self latching and self closing gates or lockable ladder. The current interpretation of the Zoning Code, which mimics this requirement, does not permit the wall of an above ground pool to count towards this required barrier, and requires installation of a separate fence. In 2020, staff proposed an amendment that would remove that requirement, however, the Planning Commission at the time wanted to keep the separate enclosure. Staff is now asking the question again to either solidify the separate requirement in the Zoning Code or defer to the Building Code.

While making this amendment, staff has researched other municipalities pool requirements and are making some other changes to clean up the code.

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BACKGROUND

Existing language of Section 17.060.090—Swimming pool (noncommercial); accessory use:

- A. All outdoor swimming pools, spas and hot tubs shall require a building permit.
- B. Swimming pool is any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.
- C. Plans for outdoor swimming pools shall be submitted to the Building Official or his designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
- D. **Each swimming pool shall be completely enclosed by a wall or fence or other permanent enclosure at least four (4) feet in height.** This enclosure shall be provided with self-closing gates equipped with a self-latching device, which must be kept locked when the pool is unattended. Such enclosures shall be not less than thirty (30) feet from the front lot line, and not less than fifteen (15) feet from the side street line in the case of a corner lot, except on reverse corner lots whereupon side setbacks shall be based upon the adjoining front yard setback. The enclosure may be located on the interior side lot line and the rear lot line, subject to any easements, but **the edge of the swimming pool shall be not less than ten (10) feet from any such interior side or rear lot line and not less than twenty (20) feet from a residence on an adjoining lot.**
- E. If a pool is located on or surrounded by a deck, or is within five (5) feet of a deck, the setback for the deck shall also apply to the pool.
- F. In lieu of the fence or permanent enclosure, spas and hot tubs shall be equipped with a safety cover. Said safety cover shall be classified under WBAH and have been evaluated to the American Society for Testing and Materials (ASTM) Standard F1346, Standard Performance Specifications of Safety Covers or equivalent. Each safety cover shall bear the classification marking "UL," the word "Classified," a control number, and the product name or equivalent.
- G. Swimming pools shall not be built in front of front building lines.
- H. Swimming pools shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Community Development Director. Swimming pools shall not be drained at any time which may cause icing or other hazardous street conditions.

Swimming Pool Regulation Research				
Muni	Side/Rear Setback	Primary Structure	Misc Setbacks	Enclosure Requirements
Collinsville	10	5	20 adjacent homes	Requires separate fence
O'Fallon, IL	10 feet from side street	10 feet	-	Pool wall counts if 4' tall
Edwardsville, IL	5 feet	10 unless fire approves 5	10 feet from street, 18' from powerlines	Requires separate fence
Belleville, IL	5 feet	-	-	Pool wall counts if 4' tall
Troy, IL	6 feet	-	10 feet from ROW	Pool wall counts if 4' tall
Alton, IL	10 feet	-	No street side yard	Pool wall counts if 4' tall

Staff conducted research of setbacks and enclosure requirements of surrounding communities as a comparison to our current standards. Based on this research, the setback requirements range from 5 feet to 10 feet from property lines depending on the municipality and most communities refer to building code requirements for pool enclosures. The building code permits either the wall of an above ground pool, if at least 48" tall, to act as the barrier, or permit additions of a fence attached to the top of the pool wall to meet this requirement. Edwardsville was the only community found that explicitly requires a separate fence. These ordinances also use similar language of Collinsville's stating, "fence or wall" is required. In Collinsville, this has been interpreted as needing a separate barrier, however that is not always the case in other communities.

Based on this research, staff recommends revising the setback ordinance to be five (5) feet from property lines to complement the approved Variance application and the setback for all other accessory structures in Collinsville. Staff also recommends either clarifying that a separate fence barrier is required by the zoning code, similar to Edwardsville, or remove that barrier requirement from zoning and defer to the building code, similar to Belleville, O'Fallon, Alton, etc.



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BACKGROUND

Below are some examples of pools that would be permitted if the separate fence barrier was removed and the zoning code deferred to the building code for safety. If the pool wall is a minimum 48", the wall may count towards the barrier. Ladders, decks or other means of access will still need to be locked and latched when not in use. Safety railings may be installed to reach the minimum 48" requirement. In ground pools will need a separate fence when flush with the ground.



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ZONING ANALYSIS

Sec. 17.150.090. - Amendments to text.

When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:

A. *Whether such change is consistent with the intent and purpose of these regulations.*

The proposed text amendment furthers the intent and purpose of the City's Zoning Ordinance ([Section 17.010—Title and Intent](#)), specifically:

- *To promote the health, safety, quality of life, comfort and general welfare of the City and its planning area, which includes the area within the City corporate limits and unincorporated territory lying outside the City forming the total community of which Collinsville is a part;*
- *To preserve and protect property values throughout the City and its planning area;*
- *To regulate and restrict the location and use of structures and land within each district or zone;*

Staff finds that based on the above criteria, the proposed amendments to Title 17 Zoning will further the intent of the City's Zoning Ordinance.

B. *The areas which are most likely to be directly affected by such change and in what way they will be affected.*

The proposed text amendment to Title 17 impacts accessory pools for all residential properties throughout the city. Below is a summary of the substantive amendments proposed. The full ordinance of each version can be found in the Exhibits.

Summary of Substantive Amendments Proposed for Title 17:

- 1. *Remove Item C. This paragraph reiterates permit process and states compliance of code will be dependent on screening to protect privacy of neighbors and prevent damage for runoff.*** The city does not require privacy fences to be installed and finds that the right of a neighbor to install a pool, or just spend time out in their yard, does not infringe upon the privacy rights of the neighbor. Drainage is addressed in Item H. of current ordinance and new remain in both versions.
- 2. *Version A: Remove Item D. Version A removes the separate fence barrier entirely. Setback requirements change to five (5) feet from side and rear property lines and other structures on same lot.***
- 3. *Version B: Clarifies that each pool (above or in ground) shall be completely enclosed by a separate wall or fence, and pool wall shall not count.***
- 4. *Remove Item E. There are no setbacks enforced for uncovered decks and this language does not make sense.***
- 5. *Remove Item F. This is covered in the building code and not needed to repeat in zoning.***



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Proposed Language: Version A: Complete removal of separate fence barrier.

Version A removes the current section that states each swimming pool shall be completely enclosed with a wall or fence and defers to the requirements of the building code. The building code requires a minimum 48" barrier for pools and self latching or locking gates for safety reasons and permits the wall of an above ground pool to count towards the barrier (if minimum 48").

Section 17.060.090. Swimming pool (noncommercial); accessory use.

- A. All outdoor swimming pools, spas and hot tubs shall require a building permit.
- B. Swimming pool is any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.
- C. The edge of the swimming pool shall not be less than five (5) feet from any interior side or rear lot line or from other structures on the same lot. Pool shall not be less than twenty (20) feet from a residence on an adjoining lot.
- D. Swimming pools or spas shall not be built in front of front building lines.
- E. Swimming pools shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Community Development Director. Swimming pools shall not be drained at any time which may cause icing or other hazardous street conditions.

Proposed Language: Version B: Clarify requirement of separate fence enclosure:

Version B clarifies that the zoning code requires a separate fence or barrier outside of an above ground pool wall. This is to better aid the public and future staff of the requirement.

Section 17.060.090. Swimming pool (noncommercial); accessory use.

- A. All outdoor swimming pools, spas and hot tubs shall require a building permit.
- B. Swimming pool is any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.
- C. Each swimming pool shall be completely enclosed by a separate wall or fence or other permanent enclosure at least four (4) feet in height. The pool wall itself shall not be used as the enclosure. This enclosure shall be provided with self-closing gates equipped with a self-latching device, which must be kept locked when the pool is unattended. The enclosure shall be located at least four (4) feet away from the pool wall.
- D. The edge of the swimming pool shall not be less than five (5) feet from any interior side or rear lot line or from other structures on the same lot. Pool shall not be less than twenty (20) feet from a residence on an adjoining lot.
- E. Swimming pools or spas shall not be built in front of front building lines.
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C. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.

Staff is pursuing the proposed text amendment to amend the City's Code of Ordinance to align the Zoning Ordinance with an approved Variance Application that permitted an above ground pool to be setback 6'3" from the side yard. This will ensure that the City is equitable to all residents in Collinsville as there was no unique hardship of the property that prevented the required ten (10) foot setback, other than it was deemed burdensome for the owner to relocate an illegally placed pool that required fill and a retaining wall.

Staff is taking this opportunity to clean up the pool code to be more modern and clarify the City's fencing requirements. Through research of surrounding municipalities, the majority of communities allow the wall of an above ground pool to achieve the 48" safety barrier/enclosure, per the building code. The fence requirement can add thousands of dollars to an above ground pool project that may have been unexpected to a property owner as they were reading the code. As the building code regulates safety, the Zoning code's fence requirement is focused solely on the aesthetics and attempting to help screen the appearance of an above ground pool. In ground pools would need a fence regardless of the Zoning Code.

Strategic Plan Goals Achieved by the Proposed Text Amendment:

Achieve Strategic Plan Goal #7: Support excellent municipal services

The proposed amendment will achieve this Strategic Plan goal by updating the zoning ordinance to make more contemporary, effective, and efficient.

RECOMMENDATION

Staff finds that the proposed text amendments meets or exceeds the review criteria for zoning text amendments. Further, staff finds that the proposed text amendment advances the intent of the City's Zoning Ordinance. Based on these findings and research from surrounding municipalities, staff recommends **'Approval'** of Text Amendment Application **TA 25-07 Swimming Pools (Noncommercial) - Version A**, which removes the separate fence enclosure.



EXHIBITS

**A.DRAFT ORDINANCE—VERSION A (REMOVAL OF
SEPARATE FENCE FOR ABOVE GROUND POOLS)**

**B.DRAFT ORDINANCE—VERSION B (CLARIFICATION
OF SEPARATE FENCE FOR ABOVE GROUND POOLS)**

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EXHIBIT A: DRAFT ORDINANCE—VERSION A (REMOVAL OF SEPARATE FENCE BARRIER)

**AN ORDINANCE AMENDING
TITLE 17 (ZONING) OF THE CODE OF ORDINANCES
OF THE CITY OF COLLINSVILLE, ILLINOIS AS IT RELATES TO
SWIMMING POOLS (NONCOMMERCIAL) SETBACKS**

WHEREAS, the City of Collinsville, Illinois, a home rule municipality (hereinafter the “City”), has enacted Municipal Code regulations for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLINSVILLE as follows:

Section 1. Section 17.060.090. of Title 17 (Zoning) of the Code of Ordinances of the City of Collinsville, Illinois, shall be repealed and replaced as follows:

Section 17.060.090. Swimming pool (noncommercial); accessory use.

- A. All outdoor swimming pools, spas and hot tubs require a building permit.
- B. Swimming pool is any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.
- C. The edge of the swimming pool shall not be less than five (5) feet from any interior side or rear lot line or from other structures on the same lot. Pool shall not be less than twenty (20) feet from a residence on an adjoining lot.
- D. Swimming pools or spas shall not be built in front of front building lines.
- E. Swimming pools shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Community Development Director. Swimming pools shall not be drained at any time which may cause icing or other hazardous street conditions.



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EXHIBIT B: DRAFT ORDINANCE—VERSION B—CLARIFICATION OF SEPARATE FENCE BARRIER

AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE CODE OF ORDINANCES OF THE CITY OF COLLINSVILLE, ILLINOIS AS IT RELATES TO SWIMMING POOLS (NONCOMMERCIAL)

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