



Meeting: Village Board
Meeting Date: 08/12/13
Agenda Item: # 5a

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD STAFF REPORT

REPORT TO: Burt R. McIntyre, President, and Plan Commission members

REPORT FROM: Dave Wiese, Executive Director of Community Development

AGENDA ITEM: Review and take action on Ordinance 2013-11 amending the R-1 Residential Single Family Zoning district regarding the minimum lot width, minimum lot area, and minimum *side yard setback*.

ACTION REQUESTED: Ordinance ___ Resolution Motion
 ___ Receive/File

POLICY ISSUE

Should the Village Board reduce the minimum single family lot standards and approve Ordinance 2013-11?

BACKGROUND

Most recent residential development in Howard involves single-family houses on relatively large lots, typically in excess of 10,000 square feet. Yet markets have changed substantially since the mortgage crisis of 2008. For example, down-payment requirements, consumer preferences and mobility, tightened underwriting standards and probable changes in the operation of secondary markets are among the factors that have contributed to a growing popularity of rental housing. If Howard is to be a strong, multi-generational community, it must offer its current and prospective residents a variety of housing types that accommodate a range of incomes and life situations. These should be provided in appropriately located places that contribute to the quality of neighborhoods and that enhance the economic viability of neighborhood centers.

From the perspective of Wisconsin's current comprehensive planning principles, the percentage of single-family detached dwellings is relatively high, and the density of single-family dwellings is low. The low density of single-family detached dwellings is the direct result of the Howard existing zoning requirement for a 90-foot minimum width for single-family lots. If the current mix of housing and densities continues unchanged into the future, Howard will run out of vacant developable residential land a lot sooner and limit population growth to approximately 60% of its potential.

2010 - Existing Housing Mix and Densities, Howard

Land Use	Current Conditions	
	% of Total Units	Density (Dwelling Units/Acre)
Single Family Detached	75%	2.3
Single Family Attached/ Townhomes	7%	4
Multiple-Family	18%	10

Minimum lot sizes: By setting minimum lot sizes, many municipalities effectively preclude (or "zone out") the possibility of providing smaller, more affordable homes and lots. Relaxing zoning restrictions to reduce or eliminate minimum lot-size requirements gives developers the flexibility to build smaller, more affordable homes on smaller, more affordable lots for a variety of consumer groups who need and desire such options, including empty nesters, elderly adults, younger individuals with disabilities, young single workers, childless couples, and others.

Benefits:

For residents:

Greater zoning flexibility in specifying lot sizes allows more alternatives in housing types and housing affordability, which:

- Responds more effectively to the diversity in housing needs and preferences that characterizes a community's resident population.
- Supports the ability of older adults and individuals with disabilities to successfully age in place in their own communities.
- Supports the substantial efforts of family caregivers of older adults and younger people with disabilities by providing much greater housing choices from which to organize the living environment that works best for both the caregiver and the individual needing on-going care.

For communities:

Greater zoning flexibility in specifying residential lot sizes allows much greater development innovation, which:

- Stabilizes the community's residential base by providing residents with greater choices for successfully remaining in the community instead of relocating to other communities or states to find housing choices that better meet their needs.
- Improves the overall well-being of the community by promoting the development of alternative housing choices, which is a critical element of a *livable community*.

RECOMMENDATION:

The comprehensive plan recommended the following:

- Revise the Howard Zoning Ordinance to allow for a range of single-family development densities, down to a minimum 60 foot lot width with a 7,500 square foot lot size. To allow for a gradation of low sizes, Village should consider separate districts for lots with 90, 80, 70 and 60 foot lot widths.

- Review and revise the Howard Zoning Ordinance to provide for residential land use densities as recommended in the comprehensive plan:
 - Single-family detached units in the range of 1 to 4 units per acre
 - Single-family attached units in densities up to 6 units per acre
 - Medium-density residential development, including townhomes and apartments/condos, in the range of 4 to 12 units per acre
 - High-density residential development in excess of 12 units per acre

Attachments

- I** Draft Village of Howard Ordinance 2013-11
- II** Map of Lots < 90
- III** Brown County Homebuilders Letter

ATTACHMENT I

ORDINANCE NO. 2013 – 11

AN ORDINANCE CREATING ARTICLE IV, DIVISION 2, OF CHAPTER 50 OF THE HOWARD MUNICIPAL CODE RELATING TO THE MINIMUM LOT WIDTH, LOT AREA AND SETBACK REQUIREMENTS IN THE R-1 RESIDENTIAL SINGLE FAMILY ZONING DISTRICT

WHEREAS the Village Clerk published a notice of public hearing regarding such proposed amendment to Chapter 50 of the Municipal Code of the Village of Howard and a public hearing was held at the Village Hall on July 22, 2013 at 5:35 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

WHEREAS the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to Chapter 50 of the Municipal Code of the Village of Howard;

NOW THEREFORE the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that Chapter 50 of the Municipal Code of the Village of Howard be amended as follows:

PART II Article IV, Division is hereby amended recreated to read as follows:

Sec. 50-343 Lots in the single-family (R-1) zoning district shall have an area of at least 10,800 ~~(12,150)~~ square feet and a width of at least 80 ~~(90)~~ feet.

Sec. 50-344. Setback regulations.

Unless otherwise regulated in this article, and unless otherwise specifically shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the single-family (R-1) zoning district for the uses listed:

- (1) Manmade ponds and lakes and radio and television stations, antennas and towers. Setback regulations shall be as specified by the village plan commission.
- (2) Planned developments. Setback regulations shall be as specified in [division 16](#) of this article.
- (3) Religious institutions, nursery schools, elementary schools, junior and senior high schools, colleges, junior colleges, universities, vocational schools and public libraries (including principal and accessory buildings for such uses).
 - a. Front, corner side and rear yard: 50 feet.
 - b. Interior side yard: 25 feet.
- (4) All other permitted and conditional uses.
 - a. Front and corner side yard, arterial streets: 35 feet.
 - b. Front and corner side yard, minor/collector streets: 30 feet.

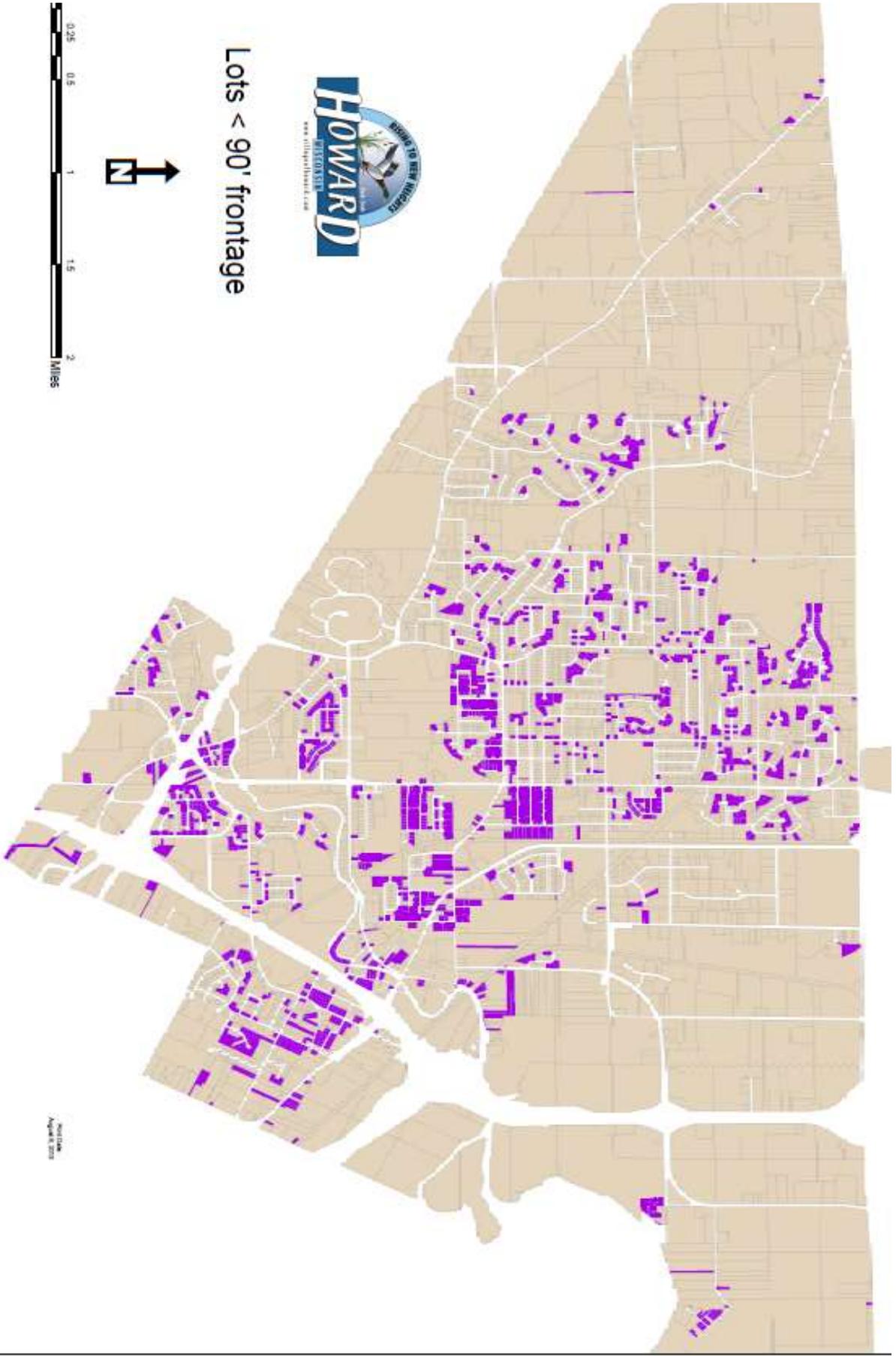
- c. Interior side yard: ~~eight~~ seven feet.
- d. Rear yard: 25 feet.

Approved this 12th day of August, 2013.

BURT R. McINTYRE, Village President

CHRISTOPER HALTOM , Village Clerk

Date of publication: 8/16/2013



Lots < 90' frontage



Map Date:
April 2010

ATTACHMENT III



811 Packerland Drive • P.O. Box 13194, Green Bay, WI 54307-3194 • Phone: (920) 494-9020 • Fax: (920) 494-5965 • www.bchba.org

August 1, 2013

Paul Evert, Administrator
Village of Howard
2456 Glendale Avenue
Green Bay WI 54313

Dear Paul,

We appreciate your contacting us and allowing members of our Government Affairs Committee and Development Council to provide feedback, following your Board discussion July 22nd, regarding lot sizes, setbacks and restrictive covenants. As we've discussed in recent meetings with you, we as builders and developers, are interested in exploring creative ways to achieve affordable housing in the counties we serve.

We commend the Village of Howard for starting to bond and for trying to allow variable lot sizes without having to go through a Planned Development process. That process is more costly and time consuming for the developer, largely due to public input.

Improvement cost for lots has increased to approximately \$25,000 per 90-ft. lot for sewer, water, storm sewer, curb & gutter. If the Village would allow lots smaller than 90-ft. it would lower the cost. If that could happen without having to go through a Planned Development it would be a positive step. The cities of Green Bay and De Pere, and the Village of Bellevue, all currently allow 80-ft. lots.

However, adding roof pitch and siding/design restrictions is counter-productive as it would then increase costs. These types of restrictions may deter developers who want to develop in the Village or builders who may purchase a few lots with plans to build affordable spec homes. A blanket ordinance would extend restrictions for every development within the Village to be a Planned Development, regardless of lot size.

We are currently working our way out of a troubled economy that had crippled the housing industry. We do not see restrictive covenants as a benefit to our industry or to the Village of Howard. If a buyer can build the same house in another community for less money because of an ordinance they will do it - they will build elsewhere. We understand the Village is willing to bond for improvements, taking the place of a bank. A developer would not want a bank to set restrictive covenants, nor would a developer want the Village to do so. The success or failure of the development ultimately falls on the developer who has to pay the Village back. Restrictions need to be flexible enough to keep a development moving during a sluggish economy. We don't know at this point whether the recession is over or where the economy is headed. Many developments have failed due to tight restrictions. If a community starts dictating roof pitch, product use, and design standards in a regular residential subdivision it can only open the door for more government regulation and costs. We believe it would be a big mistake.

If restrictive covenants are part of the proposed ordinance change then the consensus of our members is to leave the ordinance as is with 90-ft. lots, and then require the developer to do a planned development for smaller lots. We prefer to have the ability to negotiate the planned development as opposed to having restrictive covenants. Developers are more comfortable deciding the restrictions to allow within their developments.

Regarding materials pricing, we've worked with a materials supplier member to get you some hard numbers for comparison, using the same default floor plan for a 1,784 sq. ft. ranch home we had shared with you when we discussed permit and fee costs. Smart Siding is virtually the same cost as cement board siding; however installation cost, versus vinyl, is more than twice as expensive. And, changing a 6/12 roof pitch to a 7/12 would add roughly \$1,300 in expense with additional trusses, roof sheathing, felt, shingles. It is hard enough building homes today that meet people's budgets. Builders are concerned that requiring a certain roof pitch or siding may drive potential buyers to another municipality.

SIDING

Vinyl siding and installation	\$ 5,368.21
LP Smart Side or cement board and installation	\$12,725.10
Additional cost:	\$ 7,356.89

ROOF PITCH

6:12 roof including trusses, all materials and labor	\$ 9,276.30
7:12 roof including trusses, all materials and labor	\$10,573.91
Additional cost:	\$ 1,297.61

Another issue to consider is appraisals. Comps on new construction have been problematic in recent years. If restrictive covenants were put into place in the Village, and an appraiser were to attempt to find comps in neighboring communities, it would not equal the value of the property in Howard. This would create issues on values. Homes in Howard could only be compared with other homes in Howard, which could cause delays in the appraisal process. Currently appraisers are going to other municipalities to find comps because the pool of comps in Howard is not large enough at this time.

We hope our feedback will be considered valuable by your Board. If we can help further in any way please contact our Program Coordinator, Julie Yelle, at 593-7952.

Again, we appreciate your asking for our input; we look forward to an open dialog on this issue.

Most sincerely,



Mark LeMense, President
BROWN COUNTY HOME BUILDERS ASSN.



Mari McAllister-Charles, Executive Officer

cc: Village Board