



Meeting Date: 2/28/11  
Agenda Item: #5f(i)

**Mission Statement**

Provide quality services in a modern, courteous and cost-efficient manner.

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**VILLAGE BOARD STAFF REPORT**

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**REPORT TO:** President Burt McIntyre & Village Board of Trustees **REVIEWED BY:**

**REPORT FROM:** Dave Wiese, Executive Director of Community Development

**AGENDA ITEM:** Review and take action on Ordinance 2011-7, a proposed amendment to the Village Zoning Ordinance regarding the permitted number, size, height, use and design of residential accessory buildings.

**ACTION REQUESTED:** Approval of the proposed amendment by adopting Ordinance 2011-7

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**POLICY ISSUE**

Does the Village Board wish to amend current Zoning Ordinance regulations pertaining to residential accessory buildings?

**ACTION AT THE VILLAGE BOARD MEETING HELD JANUARY 24, 2011**

At the January Village Board meeting, the Village Board received input from several property owners who did not have a chance to provide input at the public hearing held by the Plan Commission. After receiving that input, the Village Board referred the matter back to the Plan Commission for review. In summary, the major concern was from property owners who have R-5 zoned property. Previously, the zoning code allowed 1,600 square feet of additional accessory storage, and the proposed changes were going to limit that to 1,100 square feet. The Plan Commission reviewed this item again at the February 21, 2011 Plan Commission meeting and unanimously voted to go back to allowing the 1,600 square feet.

**RECOMMENDED ACTION BY PLAN COMMISSION**

At its February 21, 2011 Plan Commission meeting, the Plan Commission unanimously recommended the Village Board approve the ordinance amendments as written. Those amendments are attached as Ordinance 2011-7.

**POLICY ALTERNATIVE(S)**

The Village Board can take one of the following actions:

- Approve the proposed ordinance amendment
- Disapprove the proposed ordinance amendment
- Table the proposed ordinance amendment for action at a later date
- Send the proposal back to staff or the Plan Commission for additional review and consideration

**BACKGROUND INFORMATION**

At its Nov. 15, 2010 meeting, the Plan Commission discussed various proposals for amendments to the residential accessory building regulations in the Zoning Ordinance. After the meeting, staff summarized the original proposals and added regulations proposed by Commission members.

At its Dec. 20, 2010 meeting, the Plan Commission discussed the proposed ordinance and called for a public hearing, which then was held at the Jan. 17, 2011 meeting. Staff received additional input from Trustee Suennen and incorporated his suggestions into Section 2 of the attached ordinance. The following is a brief summary:

- 1) **Definition regarding the number of Accessory Storage buildings** – This clears up the language regarding number of buildings allowed. There were no significant changes.
- 2) **Size of Accessory Storage buildings** – The previous code allowed for an accessory building that could be up to 1,024 square feet in the high-density zoning districts and 1,600 square feet in the low-density zoning district, even if you had a large attached garage. An accessory building could be up to 2,224 square feet if there wasn't an attached garage on the property.

The new code proposes allowing a 700-square-foot maximum accessory storage building if there is an attached garage over 700 square feet. If the attached garage is less than 700 square feet, a larger accessory building is allowed but the cumulative total cannot be more than 1,400 square feet. If there is no existing attached garage, an accessory building up to 1,400 square feet is allowed.

- 3) **Height of Accessory Storage buildings** – Language was added to this section to add a wall height, door height, and to require one-story accessory buildings. They can have limited attic crawl space.
- 4) **Use of Accessory Storage buildings** – This section was added to ensure the accessory building will not be used for living space or business purposes.
- 5) **Design of Accessory Storage buildings** – This section was added to ensure that accessory buildings in neighborhoods are not detrimental to adjacent properties.

#### **ATTACHMENTS**

- I** Proposed Ordinance #2011-7
- II** Current regulations

# ATTACHMENT I

## ORDINANCE NO. 2011-7

AN ORDINANCE AMENDING SECTIONS 50-859, 50-860 AND 50-861 AND CREATING SECTIONS 50-868 AND 50-869 OF THE ZONING ORDINANCE PERTAINING TO THE PERMITTED NUMBER, SIZE, HEIGHT, USE AND DESIGN OF RESIDENTIAL ACCESSORY BUILDINGS

**WHEREAS** the Village Clerk published a notice of public hearing regarding such proposed amendment to the Zoning Ordinance and a public hearing was held at the Village Hall on January 17, 2011, at 6:35 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 the Zoning Ordinance;

**NOW THEREFORE** the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended as follows:

**SECTION 1** Section 50-860 is hereby amended to read as follows:

**Sec. 50-859. Number of buildings** In residential zoning districts, with the exception of multifamily developments, the number of detached residential accessory buildings permitted on a lot shall be regulated as follows:

**(1) Attached garage** On lots where at least one attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, not more than one detached garage or residential accessory storage building shall be permitted per lot.

**(2) Detached garage** On lots where no attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, not more than two detached garages or residential accessory storage buildings shall be permitted per lot.

**SECTION 2** Section 50-860 is hereby amended to read as follows:

**Sec. 50-860. Size of buildings** In residential zoning districts, with the exception of multifamily developments, the size of residential accessory buildings shall be regulated as follows:

**(1) Standard Lots With Attached Garage** On lots less than 1.5 acres in area, where at least one attached garage space (as defined in section 50-6) is included within the principal dwelling, the floor area of the accessory building permitted in Section 50-859 above shall not exceed the lesser of 5% of the lot area or the following:

- a. 700 square feet, where the area of the attached garage is 700 square feet or more.
- b. 1400 square feet minus the area of the attached garage, where the area of the attached garage is less than or equal to 700 square feet.

**(2) Standard Lots Without Attached Garage** On lots less than 1.5 acres in area, where no attached garage space (as defined in section 50-6) is included within the principal dwelling, the cumulative floor area of the accessory buildings permitted in Section 50-859 above

shall not exceed 10% of the lot area or 1400 square feet, whichever is less.

**(3) Large Lots With Attached Garage** On lots greater than 1.5 acres in area where at least one attached garage space (as defined in section 50-6) is included within the principal dwelling, the floor area of the accessory building permitted in Section 50-859 above shall not exceed the following:

- a. 1600 square feet, where the area of the attached garage is 1100 square feet or more.
- b. 2200 square feet minus the area of the attached garage, where the area of the attached garage is less than or equal to 1100 square feet.

**(4) Large Lots Without Attached Garage** On lots greater than 1.5 acres in area, where no attached garage space (as defined in section 50-6) is included within the principal dwelling, the cumulative floor area of the accessory buildings permitted in Section 50-859 above shall not exceed 2200 square feet.

**SECTION 3** Section 50-861 is hereby amended to read as follows:

**Sec. 50-861 Height of Buildings** On all lots in the R-1, R-2, R-3 and R-4 zoning districts and on any lot in the R-5 zoning district having a gross area of less than 1 ½ acres, accessory buildings shall comply with the following height regulations:

- (1) Vertical Height** The vertical height of accessory buildings shall not exceed the lesser of the following:
  - a. 23 feet
  - b. The height of the principal building on the property
  - c. The dimension of its shortest horizontal overall building width or depth
- (2) Wall Height** No accessory building shall have side walls exceeding 10 feet in height.
- (3) Door Height** No accessory building shall have a door exceeding 10 feet in height.
- (4) Floor Levels** No accessory building shall consist of more than one floor level. For the purposes of this subsection, a floor level is defined as those areas of a building having a floor to ceiling height of seven feet or more.

**SECTION 4** Section 50-868 is hereby created to read as follows:

**Section 50-868 Use of Buildings** No residential accessory building (as defined in Section 50-6 of this Chapter) shall be used, in whole or in part, whether temporarily or permanently, for residential living space or for any business purpose.

**SECTION 5** Section 50-869 is hereby created to read as follows:

**Section 50-869 Building Design** The exterior of accessory buildings exceeding 100 square feet in floor area, including the roof, shall substantially complement the principal dwelling on the property or be an enhancement to the neighborhood.

**SECTION 6** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7** This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 28th day of February, 2011.

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Burt McIntyre, Village President

ATTEST:

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Robert Bartelt, Administrator/Clerk

DATE OF PUBLICATION: 3/4/2011

## **ATTACHMENT II – Current regulations**

### **Sec. 50-859.** - Number of buildings.

In residential zoning districts, with the exception of multifamily developments, the number of accessory buildings permitted on a lot shall be regulated as follows:

(1)*Attached garage.* On lots where at least one attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, not more than one accessory building shall be permitted on the lot.

(2)*Detached garage.* On lots where no attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, not more than two accessory buildings shall be permitted on the lot.

(Comp. Ords. 2000, § 17.03(11)(c); Ord. No. 03-22, §§ 1, 2, 9-22-2003; Ord. No. 2006-04, § 1, 1-23-2006; Ord. No. 2006-05, § 1, 1-23-2006; Ord. No. 2006-14, §§ 1, 2, 4-24-2006)

### **Sec. 50-860.** - Size of buildings.

In residential zoning districts, with the exception of multifamily developments, accessory buildings shall comply with the following size regulations:

(1)

*Attached garage, high-density.* In the R-1, R-2, R-3 and R-4 zoning districts, on lots where at least one attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, the floor area of the accessory building permitted in section 50-859(1) shall not exceed five percent of the area of the lot or 1,024 square feet, whichever is less.

(2)

*Attached garage, low-density.* In the R-5 zoning district, on lots greater than or equal to 1½ acres in gross area and where at least one attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, the floor area of the accessory building permitted in section 50-859(1) shall not exceed five percent of the area of the lot or 1,600 square feet, whichever is less.

(3)

*Detached garage.* On lots where no attached garage space (as defined in section 50-6) is included within the principal dwelling on the property, the accumulated floor area of the accessory buildings permitted in section 50-859(2) shall not exceed ten percent of the area of the lot or 2,224 square feet, whichever is less.

(Comp. Ords. 2000, § 17.03(11)(d); Ord. No. 03-22, §§ 1, 2, 9-22-2003; Ord. No. 2006-04, § 1, 1-23-2006; Ord. No. 2006-05, § 1, 1-23-2006; Ord. No. 2006-14, §§ 1, 2, 4-24-2006)

[Sec. 50-861.](#) - Height of buildings.

In the R-1, R-2, R-3 and R-4 zoning districts, accessory buildings shall not exceed 23 feet in height or the height of the principal building or structure, whichever is less.

(Comp. Ords. 2000, § 17.03(11)(e); Ord. No. 03-22, §§ 1, 2, 9-22-2003; Ord. No. 2006-04, § 1, 1-23-2006; Ord. No. 2006-05, § 1, 1-23-2006; Ord. No. 2006-14, §§ 1, 2, 4-24-2006)