



**Meeting Date:** 3/21/11  
**Agenda Item:** #12

**Mission Statement**

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

**PLAN COMMISSION STAFF REPORT**

---

**REPORT TO:** President Burt McIntyre & Plan Commission members

**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, height, use and design of residential accessory buildings.

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

---

**POLICY ISSUE**

Does the Plan Commission wish to amend current Zoning Ordinance regulations pertaining to residential accessory buildings?

**ACTION AT THE VILLAGE BOARD MEETING HELD FEBRUARY 28, 2011**

At the February Village Board meeting, the Village Board received additional input from Howard residents regarding the accessory storage size limitations. After receiving that input, the Village Board referred the matter back to the Plan Commission one last time for review. In summary, the major concern is still from property owners who have R-5 zoned property. Previously, the zoning code allowed 1,600 square feet of additional accessory storage. The last revision still included a provision that limited the size of an accessory building based on the size of any attached garage.

**RECOMMENDED ACTION BY PLAN COMMISSION**

Staff feels in order to address the situation, we should eliminate any changes to the size requirements and keep the size regulations as they exist today. Those amendments have been updated and are attached as Ordinance 2011-7. Ordinance 2011-7 only changes the following:

- 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) **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.
- 3) **Use of Accessory Storage buildings** – This section was added to ensure the accessory building will not be used for living space or business purposes.
- 4) **Design of Accessory Storage buildings** – This section was added to ensure that accessory buildings in neighborhoods are not detrimental to adjacent properties.

**POLICY ALTERNATIVE(S)**

The Plan Commission 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

**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 50-861 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 3** 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 4** 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 5** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6** This ordinance shall take effect upon its adoption and publication.

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

\_\_\_\_\_  
Burt McIntyre, Village President

ATTEST:

\_\_\_\_\_  
Robert Bartelt, Administrator/Clerk

DATE OF PUBLICATION: 4/1/2011

## 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)