



**Meeting Date:** February 21, 2011  
**Agenda Item:** # 12

**Mission Statement**

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

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**VILLAGE PLAN COMMISSION STAFF REPORT**

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

**REVIEWED BY:**

**REPORT FROM:** James Korotev, Director of Code Administration



**AGENDA ITEM:** #12 Discussion and action regarding the change to the Accessory Storage Building section of the Zoning Ordinance.

**THIS WILL BE A RECOMMENDATION TO THE VILLAGE BOARD FOR THE FEBRUARY 28, 2011 VILLAGE BOARD MEETING.**

**ACTION REQUESTED:** Approval of the proposed amendment.

**POLICY ISSUE**

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

**RECOMMENDED ACTION BY PLAN COMMISSION**

It is recommended that, if anyone from the public is present at the meeting and wishes to address the Commission regarding the proposed ordinance, the Plan Commission suspend the rules to hear from the public. Subsequently, staff recommends that the Plan Commission review the proposed ordinance, including input received from the public, and recommend approval to the Village Board with any corrections or changes as necessary to address concerns of the public, Plan Commission or staff.

**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
- Send the proposal back to staff for additional review and consideration

**BACKGROUND INFORMATION**

At its meeting of 11/15/10, the Plan Commission discussed various proposals for amendments to the residential accessory building regulations in the Zoning Ordinance. After the meeting I summarized my original proposals and added regulations proposed by Commission members. Subsequently, I drafted a proposed ordinance which incorporates all recommended amendments.

At its meeting of 12/20/10 the Plan Commission discussed the proposed ordinance and called for a public hearing at the 1/17/11 meeting. Finally, I received additional input from Trustee Suennen and incorporated his suggestions into Section 2 of the attached ordinance. The ordinance was subsequently tabled by the Village Board at its meeting of 1/24/11 due to public input from Mike Hoppe who spoke in favor of maintaining the 1,600-square-foot guideline for single-level R-5 accessory buildings. The Village Board requested that the Plan Commission take into account the new input from the public, since none was received when the public hearing was held on 1/17/11.

**DISCUSSION REGARDING SECTION 2(c)**

It appears that the reason this item was tabled at the 1/24/11 Village Board meeting was public concern regarding the apparent reduction in the permitted floor area of detached accessory buildings on large lots ( $\geq 1.5$  acres) where an attached garage exists on the property. The following is a comparison of the rules as they exist today vs. the proposed new rules:

**Existing Rules (with attached garage)** *"In the R-5 zoning district, on lots greater than or equal to 1/2 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."*

On rural R-5 lots (1.5 acres or more) this regulation would allow any size attached garage plus an additional building with a floor area of 1,600 square feet. For comparison purposes, a typical two-stall attached garage has a floor area of +/- 600 square feet. With the addition of a typical 600 sq. ft. attached garage and the area of the permitted 1,600 sq. ft. detached building, a property owner could have 2200 sq. ft. of garage storage area on the property.

**Rules Approved by the Plan Commission at its 1/17/11 Meeting (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 1,100 square feet (where the area of the attached garage is 1,100 square feet or more) or 2,200 square feet minus the area of the attached garage (where the area of the attached garage is less than or equal to 1,100 square feet).*

On rural lots this proposal will allow any size attached garage, as do current regulations, but the allowable size of the permitted detached building is dependent upon the size of the attached garage. Where the attached garage is 1,100 square feet or more (3.5 – 4 stall garage), the detached building is limited to 1,100 square feet. In this case the property owner could have at least 2,200 sq. ft. of garage storage area on the property and more if the attached garage exceeds 1,100 sq. ft. Where the attached garage is less than 1,100 sq. ft. in area, the permitted area of the detached building is calculated by subtracting the area of the attached garage from 2,200 sq. ft. In this case the property owner is guaranteed a minimum of 2,200 sq. ft. of garage storage area on the property. In either case the total storage area permitted on the property by the proposed ordinance is very comparable to current regulations.

**Existing Rules (without attached garage)** *"On lots where no attached garage space 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."*

On rural lots (1.5 acres or more) with no attached garage on the property, this regulation would allow a maximum garage storage area of 2,224 square feet on a lot, comparable to the combined floor area on lots with both an attached and detached garage).

**Rules Approved by the Plan Commission at its 1/17/11 Meeting (without attached garage)** On rural lots with no attached garage on the property, this proposed regulation would allow a maximum garage storage area of 2,200 square feet on a lot, again comparable to current regulations.

**NOTE:** The 1,100 sq. ft. reference in the proposed ordinance found in Paragraph 4 above originated from a suggestion by Trustee Suennen in an e-mail from Trustee Suennen to Dave Wiese dated 1/7/11.

**ORDINANCE NO. 2011-5**

**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 50-859 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. 1100 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 building, including the roof, shall complement the principal dwelling on the property or be an enhancement to the neighborhood for all buildings exceeding 100 square feet in floor area.

**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: 1/4/2011