

VILLAGE OF HORTONVILLE
PLANNING & ZONING COMMISSION
July 11th, 2024, 6:00 pm
Municipal Services Center
531 N. Nash St., Hortonville, WI



AGENDA

1. Call to Order
2. Discussion and possible action on 6-13-2024 planning and zoning commission minutes.
3. Public Hearing regarding CSM for parcel 240111600 & 240111701
4. Close Public Hearing
5. Public Hearing regarding proposed Ordinance Change Amending Downtown Zoning Code Sec. 44-155
Uses
6. Close Public Hearing
7. Discussion and possible action on the CSM of parcel 240111600 & 240111701
8. Discussion and possible action on Z-1-24 property rezone of parcel 240049900 from (R1) Single Family
Residential to (R2) Two Family Residential
9. Discussion and possible action on O-7-24 Amending Downtown Zoning Code Sec. 44-155 Uses
10. Discussion on R1 Single Family Residential Zoning Accessory Buildings/ADUs/Lot sizes setbacks and
Historic zoning code
11. Any other topics for further discussion
 - a. Next meeting will be on Aug. 8th at 6:00 pm which will be a joint Village Board and Planning &
Zoning Commission Meeting with a public hearing on the Industrial Park Covenants
12. Adjourn

"Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administration Office at 779-6011 with as much advance notice as possible."

Posted: July 8, 2024

Lauren Prochnow
Deputy Clerk-Treasurer

**VILLAGE OF HORTONVILLE
PLANNING & ZONING COMMISSION
JUNE 13, 2024 MEETING MINUTES**

President Jeanne Bellile called the meeting to order at 6:00 p.m. in the Community Center at 531 N. Nash St., Hortonville, Wisconsin.

Members present: Dave Moe, Tom Banker, Barry Hoff, Richard Gruenewald, Mike Bellile, Julie Arendt Vanden Heuvel, Ryan Hansch, and Roger Retzlaff.

Members excused: Tom Banker

Officials/Staff present: Administrator Nathan Treadwell, Clerk-Treasurer Jane Booth, Attorney Ashley Lehocky, Building Inspector Paul Hanlon

Officials/Staff excused: DPW Director Aaron Steber

Discussion and possible action on 4-11-2024 Planning & Zoning Commission Minutes

Motion [Arendt Vanden Heuvel/Bellile] to approve the 4-11-2024 Planning & Zoning Commission meeting minutes. Unanimous voice vote, motion carried.

Public Hearing regarding Comprehensive Plan Final Draft

Motion [Retzlaff/Arendt Vanden Heuvel] to open the public hearing. Unanimous voice vote, motion carried.

Brian Wiedenfeld from MSA said that the comprehensive plan is providing the social, economic, plans for the community. It is required by statute and is a long-term plan providing planning and guidance. We have had over 400 community interactions since the kickoff. Some of the highlights are there are over 50 strategies with the plan.

The next step would be that it goes before the Village Board for approval and then it would begin the implementation process. It is recommended that you update your plan every ten years.

Close Public Hearing

Motion [Arendt Vanden Heuvel/Moe] to close the public hearing. Unanimous voice vote, motion carried.

Public Hearing regarding Z-1-24 property rezone of parcel #240049900 from R(1) Single Family Residential to (R2) Family Residential

Motion [Hansch/Arendt Vanden Heuvel] to open the public hearing for Z-1-24. Unanimous voice vote, motion carried.

Administrator Treadwell said that there is a weird mix of houses, behind other houses with an easement. The current owner would like to build another house behind his current house that is ADA accessible. The easiest way to do this is to change it to R2. Based on this area, I don't see a reason to deny this rezone.

Close Public Hearing

Motion [Arendt Vanden Heuvel/Hoff] to close the public hearing. Unanimous voice vote, motion carried.

Discussion and possible action on Comprehensive Plan Final Draft

Motion [Retzlaff/Hansch] to approve the comprehensive plan. Unanimous voice vote, motion carried.

Discussion to rezone the following parcel(s) from (R1) Single Family Residential to (R2) Two Family Residential

Administrator Treadwell said that he apologized that there will be no action taken. This will have to come before the Planning & Zoning Commission at a later date.

Any other topics for future discussion

None

Discussion on zoning changes

Administrator Treadwell said that the village board did vote to approve zoning changes for the Village. The idea is to have all the zoning in one section, right now it is all over the place.

Adjourn

Motion [Bellile/Hoff] to adjourn. Unanimous voice vote, motion carried. The Commission meeting adjourned at 6:18 p.m.

Minutes submitted by,

Jane Booth, WCMC
Clerk-Treasurer

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 5185, AS RECORDED IN DOCUMENT NO. 1680859, LOCATED IN AND BEING PART OF THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHWEST 1/4, AND PART OF THE THE NORTHEAST 1/4 OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 15 EAST, VILLAGE OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN.

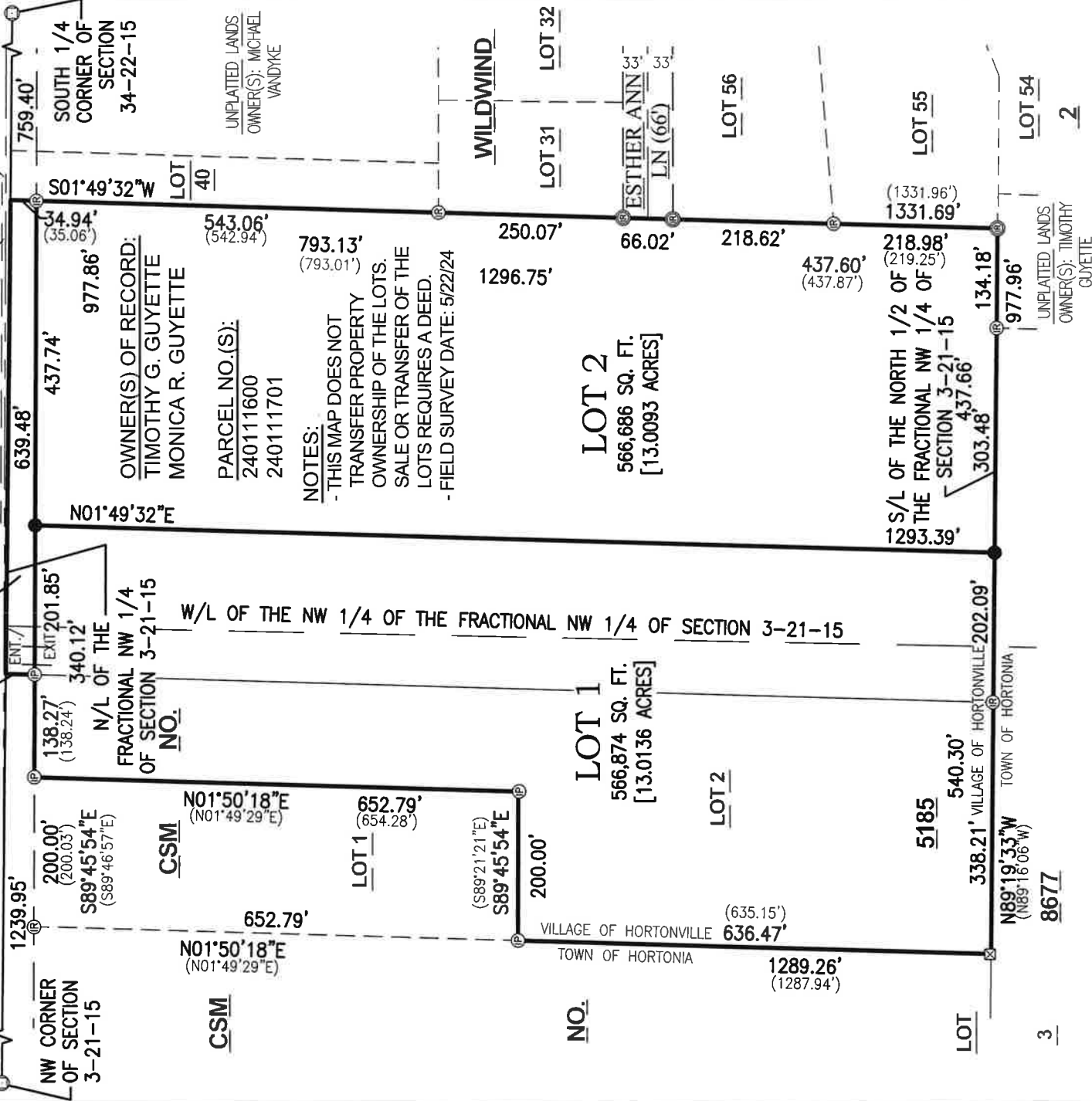
LEGEND:

- = 1 1/2" X 18" O.D. ROUND IRON PIPE SET, WEIGHING 1.13 LBS. PER LIN. FT.
- ⊙ = 3/4" SOLID ROUND IRON REBAR FOUND
- ⊙ = 1 1/4" SOLID ROUND IRON REBAR FOUND
- ⊙ = 1 1/2" O.D. ROUND IRON PIPE FOUND
- ⊗ = CROSS CUT IN ROCK
- ⊙ = MAG AND DISK FOUND
- () = RECORDED AS BEARING OR DISTANCE

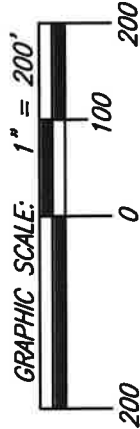


NORTH IS REFERENCED TO THE NORTH LINE OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 3 TOWNSHIP 21 NORTH, RANGE 15 EAST, VILLAGE OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS S89°24'48"E PER THE WISCONSIN DEDICATED COUNTY COORDINATE SYSTEM (OUTAGAMIE COUNTY)

UNPLATTED LANDS
OWNER(S): DONALD & BETTY WEIDENBERG IRREVOCABLE TRUST
(S89°21'21"E) (N01°49'29"E) N01°50'18"E
S89°24'48"E (40.78') 38.87'
TO PUBLIC
UNPLATTED LANDS
OWNER(S): STACY JENS,
23,595 SQ. FT.
STEPHANIE THOMPSON
[0.5417 ACRES]
NYE ST/C.T.H. "TT" (82.5') 2638.83'



NOTES:
- THIS MAP DOES NOT
TRANSFER PROPERTY
OWNERSHIP OF THE LOTS.
SALE OR TRANSFER OF THE
LOTS REQUIRES A DEED.
- FIELD SURVEY DATE: 5/22/24



CHRISTOPHER E. PERREAULT, PLS-2249 DATED
CAROW LAND SURVEYING CO., INC.
615 N. LYNDALE DR., APPLETON, WI 54914
N5841 STATE HIGHWAY 47-55, SHAWANO, WI 54166
PHONE: (920)731-4168
A2405.10 DATED: 6/20/24
DRAFTED BY: arn/cwm-NJO

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 5185 AS RECORDED IN DOCUMENT NO. 1680859, LOCATED IN AND BEING PART OF THE NORTHWEST ¼ OF THE FRACTIONAL NORTHWEST ¼ AND PART OF THE NORTHEAST ¼ OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 15 EAST, VILLAGE OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER E. PERREAULT, PROFESSIONAL WISCONSIN LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 5185 AS RECORDED IN DOCUMENT NO. 1680859, LOCATED IN AND BEING PART OF THE NORTHWEST ¼ OF THE FRACTIONAL NORTHWEST ¼ AND PART OF THE NORTHEAST ¼ OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 15 EAST, VILLAGE OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S89°24'48"E, 1239.95 FEET ALONG THE NORTH LINE OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 3 TO THE EAST LINE OF CERTIFIED SURVEY MAP NO. 5185 AND THE POINT OF BEGINNING; THENCE CONTINUING S89°24'48"E, 639.48 FEET ALONG SAID NORTH LINE TO A WEST LINE OF WILDWIND 2; THENCE S01°49'32"W, 1331.69 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF THE NORTH ½ OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 3; THENCE N89°19'33"W, 977.96 FEET ALONG SAID SOUTH LINE TO A WEST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 5185; THENCE N01°50'18"E, 636.47 FEET ALONG SAID WEST LINE TO A NORTH LINE OF SAID LOT 2; THENCE S89°45'54"E, 200.00 FEET ALONG SAID NORTH LINE TO A WEST LINE OF SAID LOT 2; THENCE N01°50'18"E, 652.79 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF C.T.H. "TT"; THENCE S89°45'54"E, 138.27 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF CERTIFIED SURVEY MAP NO. 5185; THENCE N01°50'18"E, 38.87 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION OF JUNIOR BEECHY, W8749 HUNTERS RD., HORTONVILLE, WI 54944.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF THE VILLAGE OF HORTONVILLE.

CHRISTOPHER E. PERREAULT, PLS-2249 DATE
CAROW LAND SURVEYING & ENVIRONMENTAL
615 N. LYNNDALE DRIVE, APPLETON, WI, 54914
N5841 S.T.H. "47-55", SHAWANO, WI 54166
PHONE: (920)731-4168
A2405.10 (RFR) 6-20-2024

NOTES:

- 1) THIS CERTIFIED SURVEY MAP IS ALL OF TAX PARCEL NO.: 240 111600 & 240 111701
- 2) THE PROPERTY INCLUDED ON THIS CERTIFIED SURVEY MAP IS OWNED BY: TIMOTHY G. GUYETTE AND MONICA R. GUYETTE.
- 3) THE LAND INCLUDED ON THIS CERTIFIED SURVEY MAP IS WHOLLY CONTAINED IN THE FOLLOWING RECORDED INSTRUMENTS: DOCUMENT NO. 1879548.

SUBDIVISION ADMINISTRATOR'S CERTIFICATE:

I, NATHAN TREADWELL, VILLAGE ADMINISTRATOR FOR THE VILLAGE OF HORTONVILLE, DO HEREBY CERTIFY THAT THE CERTIFIED SURVEY MAP AS SHOWN ABOVE IS IN COMPLIANCE WITH THE SUBDIVISION AND PLATTING CODE OF THE VILLAGE OF HORTONVILLE AND THEREBY GRANT APPROVAL OF THE LOT LAYOUT AS SHOWN HEREON.

NATHAN TREADWELL

DATED

SHEET 2 OF 3 SHEETS

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 5185 AS RECORDED IN DOCUMENT NO. 1680859, LOCATED IN AND BEING PART OF THE NORTHWEST ¼ OF THE FRACTIONAL NORTHWEST ¼ AND PART OF THE NORTHEAST ¼ OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 15 EAST, VILLAGE OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN.

VILLAGE BOARD APPROVAL:

WE HEREBY CERTIFY THAT THIS CERTIFIED SURVEY MAP WAS APPROVED AND ACCEPTED BY THE VILLAGE OF HORTONVILLE ON THIS _____ DAY OF _____, 20____.

PRESIDENT	DATED	VILLAGE CLERK	DATED
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TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LAND INCLUDED ON THIS CERTIFIED SURVEY MAP.

COUNTY TREASURER	DATED
------------------	-------

OWNER'S CERTIFICATE:

AS OWNER, I (WE) HEREBY CERTIFY THAT I (WE) CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

I (WE) FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: VILLAGE OF HORTONVILLE.

IN WITNESS WHEREOF, THE SAID OWNER(S) HAS CAUSED THESE PRESENT TO BE SIGNED BY SAID OWNER(S) ON THIS _____ DAY OF _____, 20____.

TIMOTHY G. GUYETTE	MONICA R. GUYETTE
--------------------	-------------------

STATE OF WISCONSIN)

)SS

COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____, THE ABOVE NAMED PERSON (S) TO ME KNOWN TO BE THE PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

CHRISTOPHER E. PERREAULT, PLS-2249 DATE
CAROW LAND SURVEYING & ENVIRONMENTAL
615 N. LYNNDALE DRIVE, APPLETON, WI, 54914
N5841 S.T.H. "47-55", SHAWANO, WI 54166
PHONE: (920)731-4168
A2405.10 (RFR) 6-20-2024

VILLAGE OF HORTONVILLE
APPLICATION FOR LAND DIVISION

\$300 Fee Paid _____

Number _____

Date Filed _____

Name of Applicant or Agent Bob Reider

Address of Applicant or Agent 615 N. Lyndale Dr. Appleton, WI 54914

Phone Number of Applicant or Agent 920-731-4168

Name of Property Owner Tim & Monica Guyette

Address of Property Owner W8636 Spring Rd., Hortonville, WI 54944

Phone Number of Property Owner 920-858-3850 Junior Beech

Parcel ID# and Legal Description of Property: 240111600 & 240111701

Lot Size 13 Ac Present Use Ag Present Zoning _____

Proposed Use _____

Specify Reason for Petition (i.e. insufficient lot area, setback or other) _____

Redividing 2 existing parcels into 2
new parcels

ATTACH THE FOLLOWING:

CSM showing the area involved, its location, dimensions, location and type of present improvements, and location of adjacent structures within 300 feet of the area.

SCHEDULE A CONFERENCE WITH THE VILLAGE ADMINISTRATOR BEFORE FILING THE APPLICATION

Robert J. Reider Date 6-20-24
Signature of Applicant or Agent

O-07-24

Amending Downtown Zoning Code SEC. 44-155 Uses

BE IT ORDAINED by the Village Board of Trustees, Village of Hortonville, Outagamie County, Wisconsin, as follows:

Sec. 44-155. Uses.

The following uses are allowed as permitted or conditional uses in the downtown zoning district:

Downtown Zoning District Permitted and Conditional Uses

<i>Use</i>	<i>Notes</i>	<i>Permitted</i>	<i>Conditional</i>
Mixed-use residential	First level not allowed	x	
Bed and breakfast			x
Bar			x
Brewery			x
Distilleries			x
Restaurant		x	
Home occupation			x
Hotel/motel			x
Lifestyle	Spa, wellness, etc.	x	
Lodginghouse			x
Off-premises signs			x
Office, government		x	
Office, professional		x	
Retail		x	
Retail, outdoor sales lot	Small uses		x
Parks		x	
Performing arts, museum		x	

IT IS SO ORDAINED THIS 18th DAY OF July 2024.

BY THE BOARD

Jeanne Bellile, Village President

Ayes _____

Jane Booth, Village Clerk/Treasurer

Nays _____

Dated: _____

Appendix

Sec. 44-155. Uses.

The following uses are allowed as permitted or conditional uses in the downtown zoning district:

Downtown Zoning District Permitted and Conditional Uses

<i>Use</i>	<i>Notes</i>	<i>Permitted</i>	<i>Conditional</i>
Mixed-use residential	Street facing first level not allowed	x	
Bed and breakfast			x
Bar			x
Brewery			x
Distilleries			x
Restaurant		x	
Home occupation			x
Hotel/motel			x
Lifestyle	Spa, wellness, etc.	x	x
Lodginghouse			x
Off-premises signs			x
Office, government		x	
Office, professional		x	
Retail		x	
Retail, outdoor sales lot	Small uses		x
Parks		x	
Performing arts, museum		x	
Public school			x



ENABLING BETTER PLACES: A USER'S GUIDE TO WISCONSIN NEIGHBORHOOD AFFORDABILITY





*This Page: Waunakee, WI, image credit: Google Earth Pro
Cover Page: Shorewood, WI, image credit: Google Earth Pro
Madison, WI, image credit: Google Earth Pro
Madison, WI, image credit: Zillow*

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This report was produced by the Congress for the New Urbanism (CNU) in partnership with DPZ CoDESIGN and PlaceMakers, LLC.



Introduction

Across the country, many people are finding that they can no longer afford to live in the communities that they prefer. This is true in big cities and small communities: the availability and price of housing is not meeting the needs of those working in jobs that are vital to the success of our communities, such as: teachers, firefighters, small business owners, and service industry workers.

Reforming state and local policies that inadvertently restrict the housing market has been a focus of numerous efforts. This guide has the same goal, adding clarity to which reforms are appropriate where. Too often reform is conceived of very broadly, but places and the regulations that shape them are diverse. The regulatory landscape of our building, zoning, and other land use codes needs to better consider existing physical conditions. Regulatory reform efforts that attempt to increase infill opportunities can do so in a more targeted and strategic manner, while maintaining community compatibility.

What is the “biggest little change” you can make to improve housing access and affordability in your community?

In Wisconsin, cities, communities, and villages need a wider range of housing options. Fewer than 20% of all households nationwide are families with children, and nearly 50% of all households are made up of one or two people. Much of the existing housing stock consists of large, single-family homes which may not be affordable—or practical—for the makeup of modern households. It is critical to make the process of adapting existing housing stock and building smaller and more varied housing easier.

The opposition between housing needs and housing stock is exacerbated by zoning regulations that inadvertently increase housing prices. Current regulations in Wisconsin often require large lots, deep setbacks, low densities, limited housing options, restrictions on re-purposing existing buildings, and excessive parking requirements. Such regulations can restrict opportunities for housing, increase costs for individuals and communities, perpetuate sprawling, auto-oriented development, and negatively affect Wisconsin's natural beauty.

CODE REFORM IN WISCONSIN

Code Reform in Wisconsin

The recommendations in this guide may be integrated into an existing use-based code, allowing more housing types to be attainable, or may be a way of trying out form-based coding. The recommendations are intended to be calibrated locally by looking at the most successful and desirable historic neighborhoods.

Prior to developing this guide, the CNU team met with five communities in Wisconsin, which served as case studies for this project: Eau Claire, Horicon, Ripon, Waukesha, and Waunakee. All five communities identified the following as desired outcomes in their communities and key areas of focus for this guide:

Increase Housing Availability

The five case study communities, along with other Wisconsin municipalities, are experiencing housing availability challenges. Some challenges are created by annexation constraints, others by growth strategies, and most by regulatory limitations. Eau Claire, Horicon, Ripon, Waukesha and Waunakee expressed an interest in finding solutions for augmenting housing supply, both in the market rate and the attainable and affordable sectors.

Encourage Aging in Place

Aging in place, whether it be by moving to smaller, more appropriate housing, or by making changes to their own residence, is a concern within the case study communities. Accessory Dwelling Units (ADUs) are a primary tool that can enable aging in place by allowing downsizing to occur, increase income for the retiree, and create an additional rental unit which may be more affordable than fee-simple housing.

Provide Better Housing Options

The case study communities also expressed a desire to provide better housing options that would respond to market demands. Across the millennial and baby boomer cohorts, there is an increased interest in missing middle housing—duplexes, smaller multi-family, cottage courts, and other ways of integrating smaller or more flexible housing options. Wisconsin has two primary means of permitting developers to create this type of housing (the Traditional Neighborhood Development and Planned Development District ordinances), but could be better served by adjusting the underlying zoning. Communities that do not have zoning to deliver these preferences are missing an economic development opportunity.

The Process

To develop this guide, the team:

1. **Identified Local Partners:** CNU and the League of Wisconsin Municipalities assembled a group of interested parties to be the local experts on this project. They included representatives from the Wisconsin Builders' Association, AARP Wisconsin, NAIOF-Wisconsin, state and local planning officials, and housing advocates. This group helped the code reform team understand common obstacles to creating more housing choice and the walkable neighborhoods that support housing choice.
2. **Conducted a Regulatory Assessment:** CNU asked the project's stakeholder group to fill out an assessment framework tool for their municipality, region, or communities they were familiar with, identifying common zoning barriers to housing and neighborhood walkability, and the specific regulations that determine these barriers. Not all questions within the framework applied to all communities.
3. **Engaged with the Wisconsin Context:** CNU conducted workshops with five Wisconsin communities to learn more about their specific planning and regulatory challenges and opportunities. The five case study communities were: Eau Claire, Horicon, Ripon, Waukesha, and Waunakee.
4. **Learned from the Municipalities:** The team identified seven core recommendations to address the most common issues that create obstacles to more affordable housing in Wisconsin.

Over the course of this project it became clear that community engagement and public buy-in is crucial to the success of code reform changes and acceptance of affordable housing. Often proposed changes to zoning regulations are met with considerable opposition. As a result, an education section was included to examine ways to increase public and resident buy-in to proposed zoning changes.

WISCONSIN DEVELOPMENT PATTERNS

Wisconsin Development Patterns

The form of streets, buildings, open spaces, and the overall assembly of communities has changed over time; it is a simple fact that exists in Wisconsin much as it does elsewhere in the United States and around the world. Most American cities were built during and after 1850, including most Wisconsin municipalities. During this period - from 1850 to present - changes in technology, social structure, and law have influenced the form of cities.

Today's regulatory constructs - zoning codes, subdivision ordinances, and engineering standards - rarely recognize the physical and operational differences between older and newer areas. However, these areas are defined by different structures of streets and blocks, which affects mobility, different types of housing, and sizes of properties. These issues are further affected by zoning and subdivision, and different norms concerning issues like pedestrian activity, gardening and landscaping, and animal husbandry, found in the municipal code.

Patterns Pre-1950s

Most development prior to 1950 was zoned with a set of very different goals than post-1950 or was not regulated by zoning at all. Proximity to downtown drove demand, which is reflected in properties that are considered small by recent standards and a mix of housing type and tenure, including single family homes, multi-family, duplexes, boarding houses, and accessory dwellings within close proximity to jobs and services. Townhomes were also built in this period, however they were usually found in larger cities.

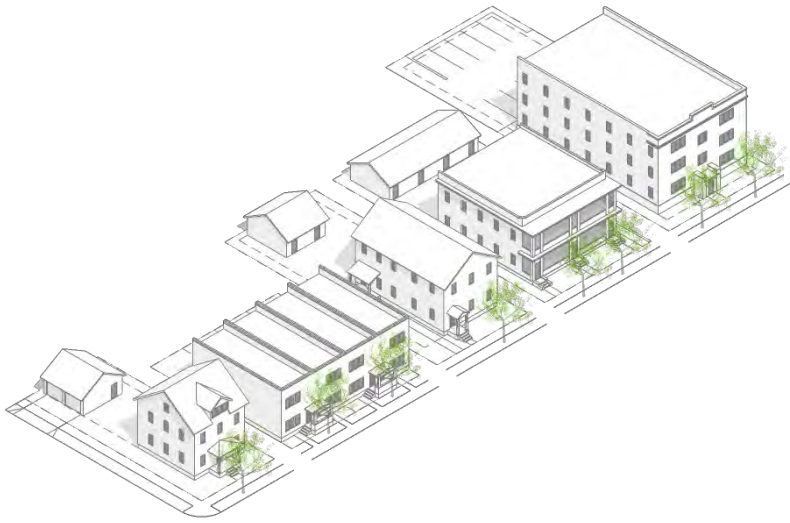
Buildings are generally located near the streets and near to neighbors. Garages, common only to single and two-household dwellings, are located behind the home and accessed by an alley or a driveway next to the home. Because many daily trips occurred on foot, the home's front door was oriented towards and directly accessed from the sidewalk.

This pattern continued to evolve. Many larger single-family homes were converted to 2, 3, and 4-family homes by internal divisions, retaining the overall building form and site plan elements. The conversions retained the area character while increasing housing supply. Additional modifications often included accessory dwellings combined with the garage, replacing the garage, or in a separate building within the rear yard.

Critical aspects of this era that should continue to be respected are:

- Buildings located close to sidewalks and to side property lines.
- Garages located in the rear, behind the home relative to the sidewalk.
- Driveways minimized, both in size and location, preserving the front of the property for the home and yard.
- Rectilinear block shapes of a consistent size.
- Highly connected street network of narrow streets.
- Accessory commercial uses in primarily residential neighborhoods.

WISCONSIN DEVELOPMENT PATTERNS



Building Types

Residential buildings of this era were the most diverse, used the least land area, and delivered the greatest number of dwellings. These factors combined to preclude the highest level of affordability while creating beautiful, walkable neighborhoods that have held their value over the decades.



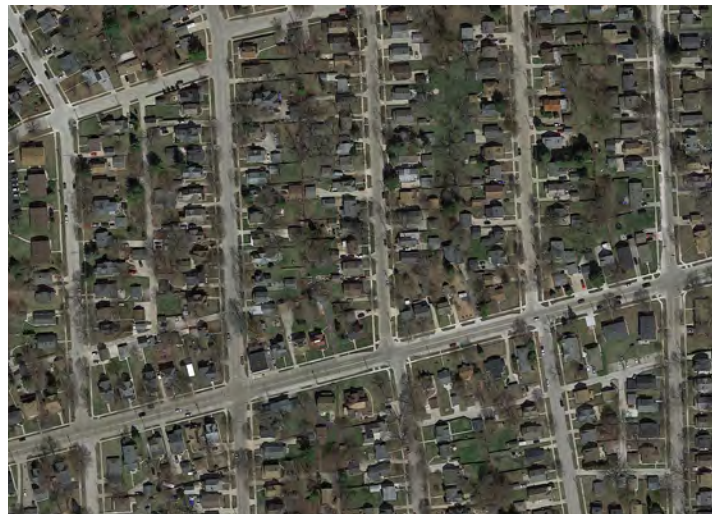
Eau Claire, image Credit: Google



Horicon, image credit: Google



Ripon, image credit: Google



Waukesha, image credit: Google

WISCONSIN DEVELOPMENT PATTERNS

Patterns 1950-1980

The development period between 1950 and 1980 was influenced by increasing national standards promoted by the federal government through financing programs and by trade organizations like the Urban Land Institute. This resulted in a reduction of the types of housing built and changes in the predominant pattern of streets, blocks, and lots. Housing provided during this period was largely single family and aimed at the burgeoning federally-backed mortgage products. These homes ranged from modest to the beginning of the “McMansion,” and developments had relatively little variety. Multi-family developments during the mid-century were physically separated from single-family areas. Uniquely observed in Wisconsin is a prevalence of duplex houses during this and later periods. Townhouses were not a common building type during this period.

Vehicular access to homes and parking areas was provided adjacent to the street. Driveways are a dominant feature of the streetscape. Locating the garage inline with the front of the house resulted in wider homes that were sited on larger lots than prior periods. Because the driveway and garage are both in the front, vehicles are commonly parked between building facades and the street.

The pattern of streets and blocks shifted during this period from a purely rectilinear, gridded structure to incorporate angled streets, curvilinear streets, and cul-de-sacs. Street networks generally retained a high degree of connectivity and block sizes were similar to or only somewhat larger than the typical pre-1950 block until the 1970s. Cul-de-sacs began to emerge in this period but were limited in their application and in the length of the street segment. Typically, cul-de-sacs were used to add extra lots where geometries created by angled streets or odd property boundaries occurred. This pattern is clearly illustrated in the 1968 version of the Urban Land Institute’s Community Builders’ Handbook.

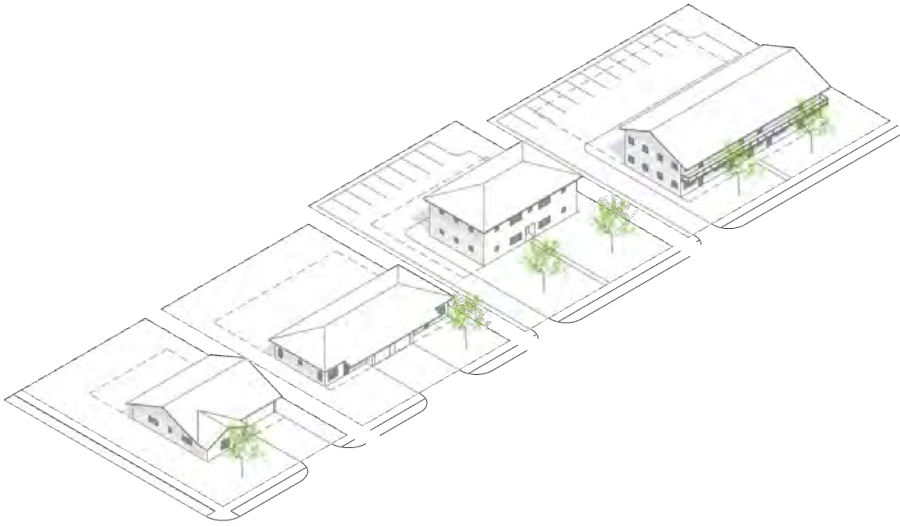
Critical aspects of this pattern that should continue to be respected are:

- Buildings located 20-to-30 feet from sidewalks.
- Garages located close to or aligned with the front facade, but not occupying more than 40% of the width of the facade.
- Driveways minimized in width, preserving the front property area for the home and for yard space.
- Infrequent cul-de-sacs, limited in length.



Plan of Canterbury Commons, MI, image credit: ULI Community Builders’ Handbook, 1968

WISCONSIN DEVELOPMENT PATTERNS



Building Types

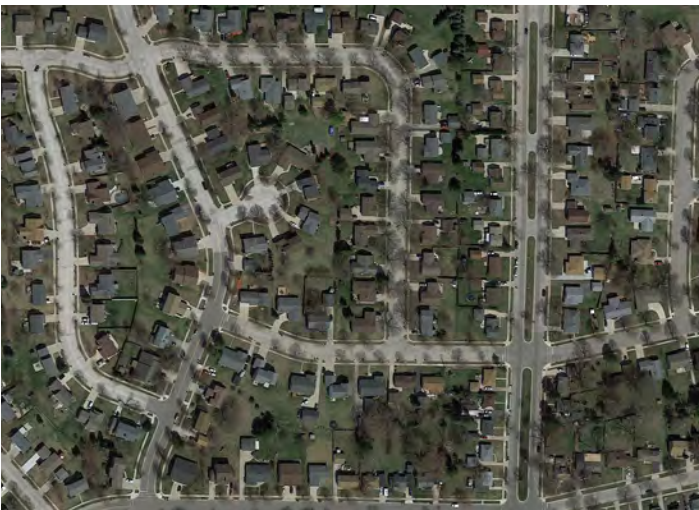
Residential buildings of this era were the least diverse, used a much larger land area, and delivered fewer dwellings than the prior era. Automobiles began to dominate the landscape, and the beauty and function of the neighborhood became less important than that of the individual building.



Horicon, image Credit: Google



Ripon, image credit: Google



Waukesha, image credit: Google



Waunakee, image credit: Google

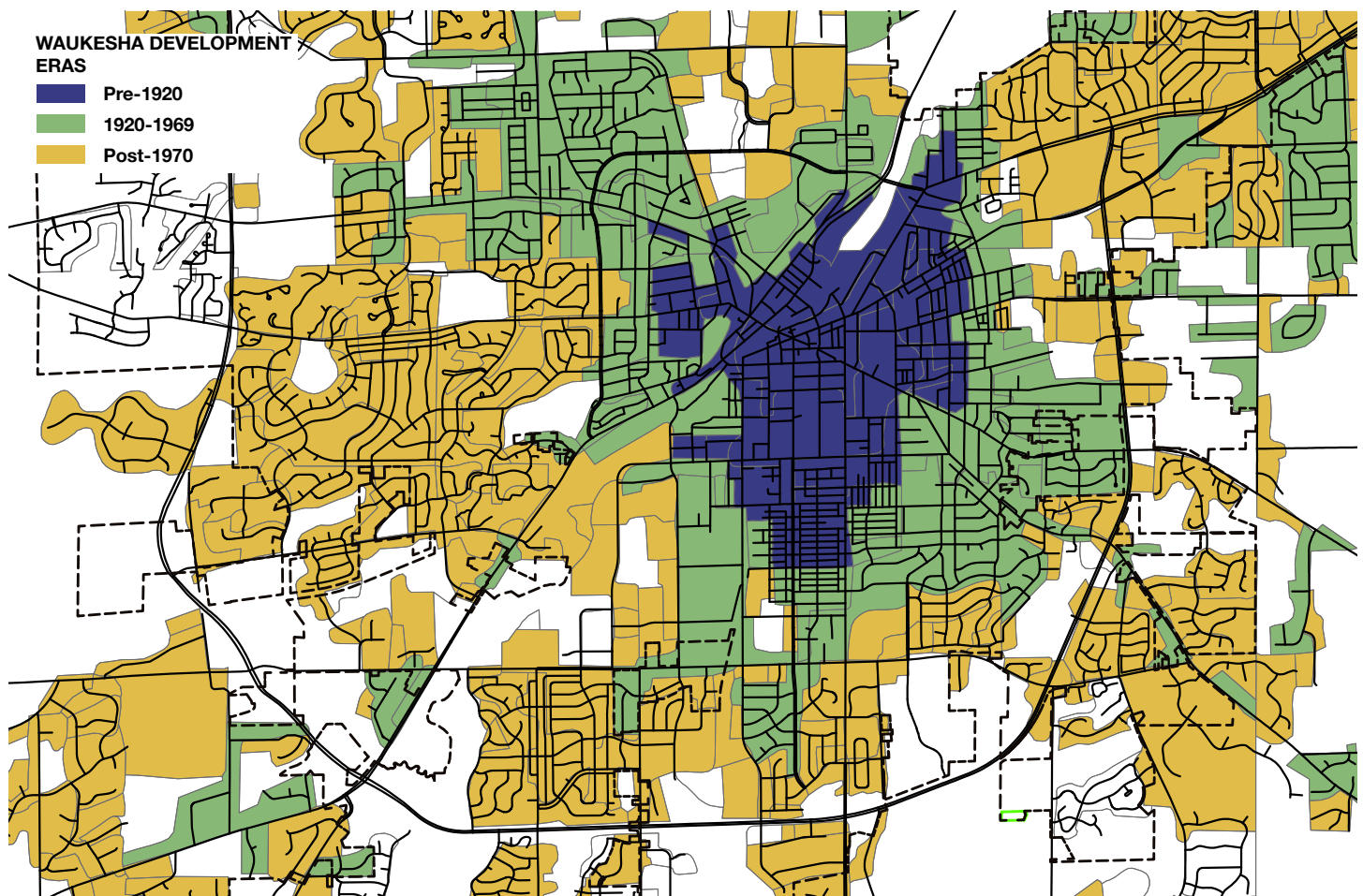
WISCONSIN DEVELOPMENT PATTERNS

Patterns 1980-Present

The present period and recent past have seen a divergence in development patterns, influenced by the emergence of Traditional Neighborhood Developments (TNDs). Some portions of development in this period resemble an extension of the principles of the 1950-1980 period, while others follow the TND system, which is markedly different.

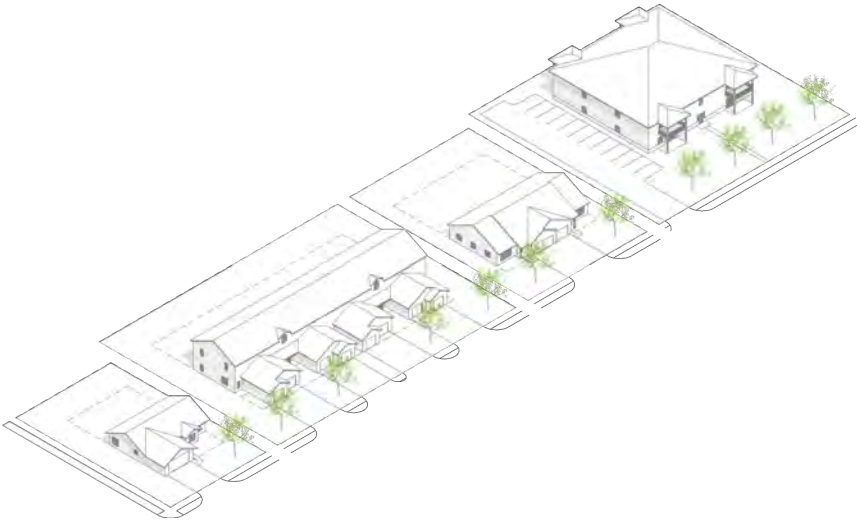
Traditional Neighborhood Development patterns exhibit similarity to both the pre-1950 and 1950-1980 patterns of growth. TNDs include a connected street network which defines principally rectilinear blocks, with some variation for angular and curvilinear streets. This pattern includes alleys in some or most of the development, in particular in areas with multi-family, townhomes, duplexes, and small single family homes. TNDs typically develop housing at a higher density than development between 1950-1980, but not higher than that prior to 1950.

In some Wisconsin municipalities, development between 1980 and 1990 follows this more universally common condition, while growth in others reflects the pattern of 1950 to 1980, occupied by housing matching the common aspects of the 1980 to 1990 period. This condition is illustrated on the following page in Eau Claire where blocks are more regular in shape with a small degree of angularity or curvature of streets, yet the housing stock demonstrates common aspects of the 1980-1990 period. Waunakee, on the other hand, illustrates street and block layouts more universally common.



Waukesha Historic Development, image credit: City of Waukesha

WISCONSIN DEVELOPMENT PATTERNS



Building Types

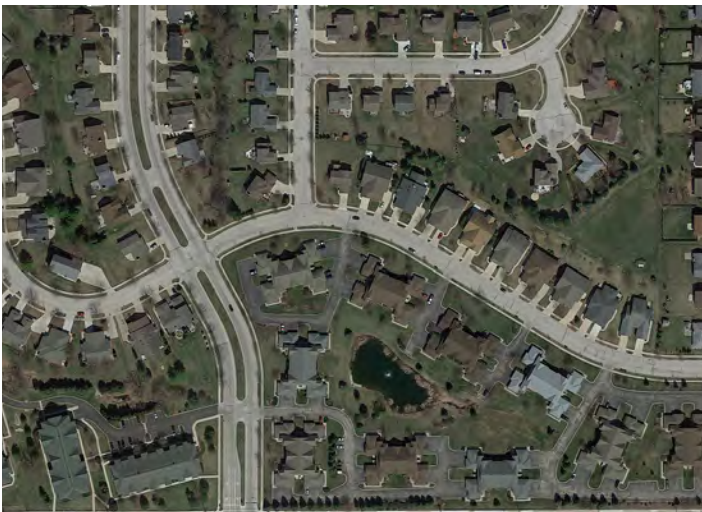
Townhouses have regained popularity in the last decades, but the development of small apartment buildings has declined, except in areas governed by TND ordinances. In many areas parking quota have increased, with a corresponding loss of affordability due to the increased land area needed.



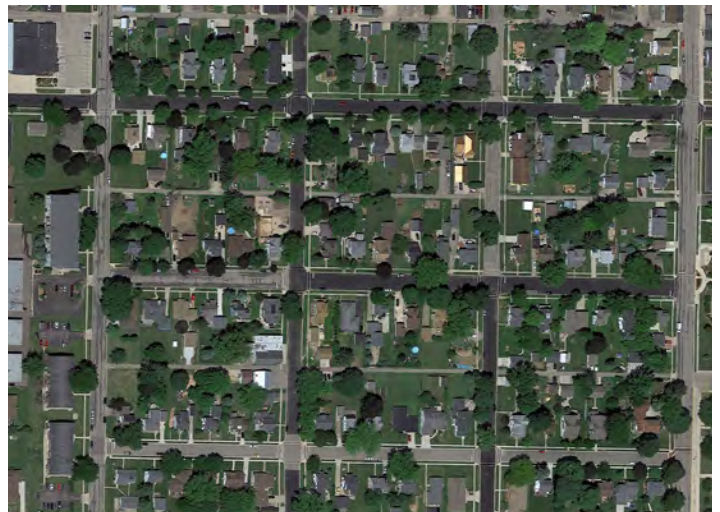
Eau Claire, image Credit: Google



Ripon, image credit: Google



Waukesha, image credit: Google



Waunakee, image credit: Google

LAYING THE GROUNDWORK

Implementing Reform: Laying the Groundwork

In order to successfully reform the regulatory environment, municipal officials and planning professionals need to lay the groundwork for change by understanding and examining the misalignment between what zoning they have and the zoning they want. This process can include demonstrating how the misapplication of zoning has led to the creation of nonconformities between existing buildings and uses, how zoning can shape new development in ways that are incompatible with existing places, and how in many instances zoning is preventing new places from being built that match the most-loved existing places.

Step 1. Demonstrate the Need

To make the case for a zoning adjustment process, communities need to demonstrate that misalignments exist, and the extent of misalignment with current conditions. Pre-1950's development is typically the easiest place to start because these areas predate zoning, and they tend to include beloved neighborhoods where it is easy to make the case that they should not be illegal, nonconforming, or irreproducible. Identify a block of pre-1950's development near to downtown or the primary main street, but generally residential.



image credit: Google Earth

The above example demonstrates a condition in a Wisconsin municipality. This historic block falls within a zoning district that does not align with existing housing. As demonstrated, every property or building on this block is nonconforming by today's standards. In this sample block, every property violates the zone's minimum required setbacks. In addition, the corner properties were subdivided at a point, which now violates the minimum lot size standards as well as maximum lot coverage. The conditions on neighboring blocks are similar. These zoning standards require revision. Wisconsin has established statewide standards permitting occupation and expansion of nonconforming buildings, lots, and uses. However, historic buildings, patterns of lots, and well established uses are key to a community's character and should be legal, not an exception.

LAYING THE GROUNDWORK



Pattern Survey Hertfordshire, image credit: DPZ

Step 2. Survey Existing Patterns

The next step in successful reform is to survey the existing patterns and gather the common elements that produced the development that is most valued and desired. Common methods for evaluation include:

- Utilizing existing data to determine the predominant age of structures in different parts of the municipality.
- Utilizing plat data to determine the process and age of subdivisions across the municipality.
- Utilizing mapping, aerial photography, and visual surveying to determine significant differences in the pattern of streets and blocks and bulk and character of buildings.

The goal of pattern evaluation is to define the boundaries between areas of differing blocks and building character in order to accurately align new zoning standards.

Once accurate pattern boundaries have been established, the types and intensities of buildings should be identified. The purpose of identifying different types and intensities is to establish sub-boundaries within the patterns, which may differ by era.

Examples from the Case Study Communities:

In Eau Claire and Waukesha, historic neighborhoods often mix historic single family, duplex, multi-family, and townhomes together, along with small scale neighborhood commercial uses. But in Waunakee and Ripon, historic neighborhoods are exclusively single family, differentiated from nearby main street development. For Waunakee and Ripon, this would suggest one sub-boundary for the main street and another for the pre-1950's neighborhoods. For Eau Claire and Waukesha, this would suggest a sub-boundary for the downtown, another for the highly mixed pre-1950's neighborhoods, and a third for other pre-1950's neighborhoods that are predominantly single family. See the previous explanation of pattern differences for cues concerning the degree of separation that is common in each era of development. More recent development patterns have more separation between uses and types of buildings, and as a result should include sub-boundaries reflecting that separation. In older areas, however, avoid the temptation to separate buildings by type or use when that separation does not exist historically.

LAYING THE GROUNDWORK



Incursion Example, Waukesha, image credit: Google Street View

Step 3. Adjust Zones to Match Common

Building and Site Details

Once the existing patterns and sub-boundaries have been identified, survey existing buildings within those areas to determine common conditions. The range of typical existing conditions should be analyzed as a means of deriving zoning standards from what has already been established. Common building and site details include: lot size, building height, building setbacks, encroachments, entry locations, lot coverage by buildings, the number of units per property, and building types (detached single unit dwellings, attached single unit dwellings, duplexes, multiple dwelling buildings, and accessory buildings and structures). Some areas may have a variety of conditions, while other areas may have very little variety. Aligning zoning in this way is the first step to ensuring the character of future development aligns with existing area character.

A character survey sheet is included in the appendix as a resource.

Recognizing Past Incursions

In many situations, non-compatible development has been permitted in the past, which should not be confused with a common pattern to retain through the zoning update process. Historically these incursions may have created resistance to new housing throughout the jurisdiction rather than recognizing them as incompatible with the surrounding context. While the goal of re-aligning zoning is to enable and support what has already been established, incursions that differ significantly from the predominant pattern should remain non-conforming.

An example of such an incursion is pictured here, a large multi-family building in Waukesha which is significantly out of scale with surrounding buildings. The larger building was built in a much more recent era than the surroundings and violates the existing pattern by the building's height and total square footage. However other examples of smaller, compatible multi-family buildings are found nearby. Often such incursions create an anti- multi-family reaction rather than more appropriately identifying the bulk of the building as incompatible. In addition to building bulk, the location and size of parking areas is a common incursion which should be corrected within a zoning update.



Green Bay, WI, image credit: CNU

RECOMMENDATIONS

With the understanding of how existing zoning is restricting housing in Wisconsin communities, the following general changes are recommended to enable more housing choice. Doing any of them will put Wisconsin places in a better position to allow housing choice for all of the state's residents. In that way, this serves as a menu of recommendations.

Common Code Issues

CODE ISSUE: Adjust lot and yard standards



Most Wisconsin municipalities require minimum lot sizes that are not conducive to smaller single-family homes, townhomes, and other historically common housing types. In historic neighborhoods, this creates issues with nonconforming lots. In newly developed areas, this results in a very limited range of new housing, both in size and cost. Twentieth century zoning was drafted to reflect suburban goals and best practices of the time, which do not reflect the character of historic communities nor current goals for providing housing type, tenure, and price point diversity. The result is many parcels have challenges with any changes to the buildings, the parking or the number of dwellings because of lack of conformity.

Area and width – Most zoning codes have exemptions for lack of conformity, but there is a lost opportunity for context-sensitive densification. If zones are adjusted to reflect the historic parcels, the cost of the variance process could be avoided, additional dwellings could possibly be added, and non-conforming complications with insurance and mortgages could be avoided.

Setbacks – Most case study communities have very little variation throughout their residential zoning districts, and they are all distinctly 20th century suburban standards. Both front and rear setbacks are quite large. In neighborhoods with historic alleys, the rear yard requirement makes existing garages non-conforming and prevents the location of additional parking off the alley.

Lot coverage – Like the other lot metrics, most case study communities have a 35% lot coverage that is standard across most zoning districts. This standard is the single greatest barrier to densification since many lots are nonconforming in their current state of development and there is no opportunity for any enlargement of the building footprint to accommodate additional dwellings.

RECOMMENDED CODE CHANGES

- Lot widths and areas should be realigned to match historic patterns favoring narrower lots.
- Setbacks should be reduced to historic distances to allow greater use of the existing lots.
- Increase permitted lot coverages to match historic patterns.

COMMON CODE ISSUES

CODE ISSUE: Historic Multi-Family

Historic Multi-Family. Many historic neighborhood uses were outlawed in the 20th century, separating housing types that were not only compatible but complementary.



Housing types that were historically inserted into neighborhood fabric with very low impact on traffic, impervious surface, and quality of life include three-family, four-family, and six-family units. Current zoning practices have restricted their construction by dividing housing into single-family, two-family, townhouses, and multi-family zones, eliminating medium density housing. Duplexes, three-family, and some four-family types are no larger than a large single-family residence.

Because these dwelling types fit easily into the scale of many neighborhoods, permitting conversions (as well as allowing for construction of new buildings) is a logical choice for adding housing to a community.

RECOMMENDED CODE CHANGES

- Allow multi-unit housing as permitted uses in single-family zoning districts which have historically included two-family and multi-family. Ensure multi-unit housing is held to the height and frontage dimensions of existing single household dwellings or historic multi-unit housing. The number of units is determined by the size of the building, not by density calculations.

CODE ISSUE: Accessory Dwelling Units (ADUs)



Permitting ADUs within neighborhoods is a good first step toward adding housing with minimal impact on existing development. ADUs occur organically throughout Wisconsin cities, and villages. They were often the upper level of carriage houses or garages, as well as in attics and basements. This use is one of the most significant tools to gently increase density at a scale that is virtually invisible within a neighborhood. It allows the homeowner to reduce the cost of housing with additional income, enables aging in place by downsizing on the same parcel, and assists with elder care.

RECOMMENDED CODE CHANGES

- Accessory dwellings should be allowed by right for all single-family zoning districts.
- Additional parking spaces should not be required for an accessory dwelling.

COMMON CODE ISSUES

CODE ISSUE: Remove Unnecessary Regulations and Restrictions

Jurisdictions should consider adjusting rules that commonly create barriers to providing housing. Many cities have a list of commonly sought variances which can point to problems with unnecessary or incompatible rules. Density metrics such as ‘unit per acre’ are often a barrier. In most instances bulk standards such as height, setbacks, lot coverage, and parking standards limit potential density.



Density. Bulk standards, as discussed above, create more predictable outcomes than density standards. Additionally, density standards are not well analyzed, are easily politicized, and unreasonably restrict housing. The density of most historic neighborhoods is much higher than most residents, officials, and regulators realize. If density is retained as a development restriction, existing per-property densities should be surveyed along with the other building and site details noted above, and on the Character Survey Form in the Appendix.

Use. Use categorization is the next most common requirement in need of adjustment. Most jurisdictions apply a list of permitted uses to any given zone. If the proposed use does not exactly match a permitted use, the proposal must be denied, no matter how benign or desirable it may be. This issue is most common in downtowns and main streets, but it can carry over into principally residential areas also. Typical use categories detrimental to housing include the restriction of single-family, two-family, or multi-family. This restricts the very appropriate middle density that has been eliminated from contemporary zoning ordinances.

Commercial use. Disallowing housing in downtowns, main streets, and other generally commercial areas is also problematic. In an effort to increase street activity in a mixed-use zone, jurisdictions sometimes prohibit housing on the ground floor, or altogether. While this is effective if the need for retail fills those spaces, in situations where the need is not there this approach is unnecessary and counterproductive to producing more housing. These and similar unnecessary rules should be simplified or removed.

RECOMMENDED CODE CHANGES

- Permit residential uses within downtown and Main Street zoning districts.
- Permit residential uses, including multi-family, in commercial districts.
- Manage residential density with building types not units per acre in each district. Consider using three to five residential zones, depending on locations:
 - Post-1950's era: Single-family, Two-family, Townhouses, Three to Six-family, and Multi-family districts.
 - Pre-1950's era: Single-family, two-family and townhouses, Three to Six-family, and multi-family districts. These are best implemented with intensity levels of low intensity, medium intensity, and high intensity. Permit neighborhood-scaled commercial uses within the medium and high intensity residential districts.

COMMON CODE ISSUES

CODE ISSUE: Adjust Parking Requirements

Smaller multi-family dwellings can be nearly impossible to build if two paved, off-street parking spots are required per unit. Minimum on-site parking requirements for housing should seldom be more than one per unit. If street parking or other shared parking spaces are available then even less parking can be required. Allowing on-street or shared parking to count toward the minimum required parking spaces will provide some flexibility for landowners. On-street parking is shared among many users and has the additional benefit of separating pedestrians from moving vehicles.



In recent years, municipalities across the country have begun to accept that parking minimums have been a poor planning tool, both in accurately predicting parking needs and successfully producing great places. In most cases, lenders and tenants will demand a minimum number of parking spaces, which will be provided regardless of municipal regulations. Municipalities should focus on where that parking is located, rather than in how much parking is required. Within historic neighborhoods, minimum parking requirements can be eliminated entirely, or at a minimum, reduced substantially.

The effects of excessive parking requirements on housing affordability are often underestimated. In areas that are walkable to school, jobs, and other daily needs, the cost of each unneeded parking space inflates the cost of housing (The average cost of a paved parking space is estimated at about \$4,000 and structured parking can be five times that). Overly high parking requirements can block new housing options that fit seamlessly into existing neighborhoods, such as accessory dwellings, small infill buildings, and conversions of large houses into more than one residence.

RECOMMENDED CODE CHANGES

- Reduce or eliminate parking minimums.
- Allow shared parking to count toward parking minimums.
- Allow on-street parking and allow it to count toward parking minimums.

COMMON CODE ISSUES

CODE ISSUE: Evaluate Processes

Most of the case study communities contributing to this guide reported having Planned Development District (PDD) ordinances. PDDs are used to circumvent mis-aligned zoning standards, resulting in a broken process. Zoning principally by PDD is evidence of a failing zoning code. Revising a code to reflect the local market and community vision is the best practice.

Each individual PDD adds to future administrative complexity, and creates a zoning system that neither neighbors nor developers can predict. Standards and processes should be evaluated to ensure that zoning creates predictable outcomes, is easy to understand, and is easy to navigate. Applicants should be provided with the most expedient approvals path, particularly for smaller infill conditions, recognizing where and to what extent community oversight is necessary.

Greenfield development typically requires some degree of master planning such as is provided by the subdivision and site plan process. Here too, though, the processes should be clear and predictable, which is rarely true.

The long-term implication of overusing PDD ordinances is a very complex set of overlapping rules, individually negotiated, and a severe lack of predictability. This has not yet become evident in most places because most homes built under these ordinances have not been redeveloped and are unlikely to be redeveloped in the near future. However, this practice should be minimized, and new zoning and subdivision standards established to direct growth in alignment with market demands. The state of Wisconsin requires municipalities larger than 12,500 residents to adopt Traditional Neighborhood Development ordinances. It also encourages smaller municipalities to adopt such ordinances. In all cases common TND zones should be established, similar to historic districts, that address issues of building bulk, placement, and window percentage, leaving only the more specific stylistic and site design standards to regulation by homeowner covenants.

The development community has signaled a desire for a development format that follows market trends. As this format also aligns with other state and regional goals, a clear and predictable process should be provided to achieve these new neighborhoods in Wisconsin's smaller municipalities as well as the larger ones.

Jurisdictions that wish to adopt a TND ordinance will do well to begin by taking a close look at the model ordinance created by the Wisconsin extension service. It is intended to be used with minor adjustments for local conditions and should make the adoption process much more straightforward. [Wisconsin Model TND ordinance](#).

RECOMMENDED CODE CHANGES

- Adopt a Traditional Neighborhood Development ordinance.
- Consider replacing existing PDDs with TND standards.
- Assess and streamline the subdivision process including standards that direct development outcomes and a time limit on municipal response.
- Assure workforce housing applications will be prioritized and response time limited to 90 days, max.

COMMUNITY EDUCATION

Community Education

As of June 2021, Wisconsin is estimated to need approximately 120,000 rental units across a spectrum of incomes, according to the National Low Income Housing Coalition. In addition to less expensive housing, adding market rate housing improves housing choice for everyone, up and down the income ladder. In order to combat community resistance to additional or different housing, an investment in community education around the benefits of housing choice should be undertaken. The following are recommended topics for a community education campaign to increase public support for code reforms that will increase housing choice.

Fear and lack of knowledge are the two largest hurdles to combat community resistance. A critical first step is to assure your code reform reflects the character of the neighborhoods it will apply to. ADUs should fit in anywhere, and a garden apartment complex fits in a limited number of places. If the standards reflect the context, and it is adequately illustrated, it goes a long way toward providing knowledge and assuaging the fear.

Who is at the table?

The most important thing is that everyone who has a stake in the success of the city should be a part of the conversation. A robust community engagement process begins with getting the most diverse group of perspectives involved at an early stage. A focus should be placed on engaging renters, young people, people who work in the area but cannot afford to live there, in addition to current homeowners. Many people care deeply about their neighborhoods, but are not likely to attend community meetings. Social media pages or neighborhood listservs can be a valuable resource for public engagement.

Additional tools to be considered in public engagement include:

- Allow public comment at times other than during a public meeting through a website dedicated to housing issues.
- Hold pop-up events at libraries, grocery stores, liquor stores, bars, parks, playgrounds, farmers' markets, street festivals, church events.
- Hang posters with leading questions and space for responding in public places such as bus stops, laundromats, bars, churches, parks, playgrounds.
- Encourage people to bring their children to public meetings.
- Make sure that meetings are held in non-intimidating, accessible public spaces.
- Hold online conversations as well as in-person meetings.
- Convene meetings at different times and on different days.
- Follow local pages on social media and engage directly with active users of those pages.
- Provide online engagement opportunities such as visual preference surveys, housing issue surveys, leading questions, etc.

Ensure planning commissioners and elected officials are at the table so they understand the needs within the community. Elected officials are frequently pressured by the vocal minority and do not hear from code reform advocates. They need sufficient data to be able to withstand pressure from the NIMBY ("not in my back yard") community that tends to fear additional housing.

COMMUNITY EDUCATION

Who can't afford to live here?

Area Median Income (AMI) is the income right in the middle of the income range for a particular place. Half of those working earn less, half earn more. It's not an average, so it isn't skewed by a handful of high earners, but reflects the full range of wages. When housing advocates talk about workforce housing they are referencing housing affordable at between 60 and 100 percent of AMI. Low-income housing is affordable for those making less than 60 percent of AMI.

According to the 2020 census, state-wide AMI for Wisconsin is \$64,168, which translates to \$1600 monthly for housing and utilities. Teachers, police officers, librarians, nurses make approximately 80% of statewide AMI. Childcare workers, service workers of all kinds, and bus drivers make less than 50% of statewide AMI. These numbers will differ in every locality but should be considered during a conversation about housing needs.

People who have to commute long distances can't be full citizens of the place where they work or the place where they live – too much time is spent traveling. These individuals are also paying the financial costs of commuting: maintaining a car is estimated to cost \$10K annually. Reliable transportation is crucial in order to keep a job.

In addition to the costs to individuals when we have inadequate housing choices, there is also a cost to the community. Maintaining streets, water and sewer lines, and other infrastructure in neighborhoods with historic building patterns is significantly less expensive than maintaining that infrastructure in neighborhoods with large lots. If the only place we allow more housing to be built easily, by right, is large-lot subdivisions we are committing ourselves to higher costs now and in the future.

What will it look like?

When asking residents to permit more housing choices, neighbors are typically curious as to what it will look like. Abstract discussion about adding more density or changing the Floor Area Ratio do not translate into a general public understanding of what to expect.

When municipalities propose allowing up to three units on a single lot, a common step up from single family zoning, it is important to create standards that will ensure that these new buildings will be about the same size and impact as the existing single family houses. These are known as ‘bulk standards’ because they regulate the size of the building, not the number of units in the buildings. To create effective bulk standards, begin by measuring the biggest houses in the neighborhood to determine the largest reasonable size.

Craft illustrations that show clearly what adding these buildings will mean. Choose a vacant lot and have renderings made that show how a new building will fit. In addition to drawings, show photographs of existing buildings that match what is being proposed.

When proposing Accessory Dwelling Units, provide illustrations that show garage apartments and backyard cottages. In the same way, if front and side setbacks need to be adjusted to allow adding ADUs or adding another building, create illustrations to show what this will look like on existing lots. Without illustrations community members might not understand what increasing density entails. An instinctive response by residents is that an increase in density implies buildings bigger than what that is currently permitted, which is why illustrations are a key component to the community education process.

The other issue that commonly arises around increasing housing choice is that many of these new units will be rentals. There is a myth that renters don’t care about their neighborhoods, are bad neighbors, or create chaos and noise. One way to approach this topic with residents is to ask what their first living arrangement was after leaving home, or school. Common responses are:

- I lived in my parent’s basement.
- I rented with friends.
- I rented alone.
- I bought a house or condo.

Then ask the same question about their children. This allows residents to see that they weren’t born homeowners and serves as a tool to humanize renters. If there is concern about short-term rentals, they can be limited to the extent allowed by Wisconsin Statute 66.1014. If there is concern about bad behavior then address the behavior with noise ordinances or similar rules. Be sure that your public outreach reaches renters: if you are mailing fliers to the building owners, renters who live in that neighborhood won’t know about the proposed changes. Renters understand the issues of lack of rental units and the associated high prices. They are the voices needed to counteract opposition.

COMMUNITY EDUCATION

Who benefits from adding housing choice?

Many people in Wisconsin and nationwide cannot afford to live within a reasonable distance of their jobs due to lack of housing and are forced to bear the time and the financial burden of lengthy commutes. Who else is affected by lack of housing choice?

- Young people. If we want to retain a lively economy we need young people, and, as noted above, younger people are more likely to be renters.
- Single people who don't want the burden of a house and yard. According to statistics compiled by the American Association of Retired People, 28% of all households are single people living alone. Couples without children comprise another 25%.
- Older people whose big, single family house no longer meets their needs. Most people prefer to stay in their current neighborhood as they age and allowing more housing choice can meet this need. Allowing large single family houses to be reconfigured with more units also works for this demographic: if two or three apartments can be created out of a residence then the homeowner has income to help maintain the building and can create an apartment with accommodations such as one-floor living and a walk-in shower which make aging in place simpler and safer.
- Families with children only represent 20% of the population but they need housing choices also. Allowing more housing within walking distance of shops and libraries and restaurants makes family life easier. Perhaps only one car is necessary, reducing both carbon footprints and costs. Older children and teens can walk or use public transportation, lifting some of the transportation burden from parents.

It is important to be willing to engage directly with residents who are opposing any change to allow more housing choice but not allow them to drive the conversation. Neighborhood associations, because they are vocal and organized, can have an out-sized effect on the public conversation. Elected officials and municipal employees often defer to these voices because they are assumed to speak for entire neighborhoods when in fact they only speak for some of the residents. This is where careful observation of social media can provide other voices which need to be invited into the conversation as a counterbalance.

People are afraid of change. We have to make the possibility of change palatable, quantifying what that change might look like, and who these new neighbors might be.

Building a coalition

If a jurisdiction is going to be successful in implementing code changes to allow more housing choice it is crucial that a coalition of advocates are mobilized to advocate for those changes in the public process. It's important to involve housing advocates and builders along with the people we identified above who want to live somewhere and cannot. Those are the voices that the process needs to amplify.

When you are ready to propose a code change to allow, for example, four-plexes, talk immediately to organizations and people who are concerned with housing shortages. Get out in front and line up supporters so that the first thing that people hear is not objections from people opposed to change. Have the conversations early and often, and in all the places listed above, not just in the planning office or at planning meetings.

Make sure to build champions within your governing body. Without strong advocates among the elected officials, a contentious hearing can have unexpected and unfortunate results. However, if there are coalition members on the board, they can articulate the need for the code edit.

This guide is primarily focused on creating incremental change in the regulatory environment and changes in zoning code that will allow more housing choice. But these ideas about who gets heard and who is at the table also apply once the code is changed. It is not enough to allow four-plexes if the process to build them is too complicated. Jurisdictions need to actively encourage the kind of housing that is wanted and the coalition is important for that, too.



Eau Claire, WI, image credit: Joshua Clements

Resources

The appendix is comprised of a group of tools to assist in common areas of code reform. Some are means to craft reform, such as the character survey, and others are models of language that can be used as a template for specific code issues like ADUs and parking minimums. Each tool must be locally adjusted to respond to the context.

CHARACTER SURVEY

Character Survey

A character survey is the first step in understanding the existing context of a place, determining which reforms are needed, and selecting the content of new regulations such as common dimensional standards. To build a coalition as discussed in the Community Education section, a good practice is to convene a group of advocates and opponents, and collectively identify the most loved areas within the community. The group then collectively photographs, measures, and counts the physical metrics that make up the area. A sample survey follows.

CHARACTER SURVEY

Step 1: Define your districts and pick examples

First decide which areas need regulatory reform. Next, pick example blocks to measure in each of the districts you intend to revise. One way to pick blocks is to choose those that people respond positively to the most. This is an aspirational approach, and the new metrics in your code will be set to guide development to match those best-loved blocks. Another approach is to pick blocks that show the full range of variation in existing dimensions. This approach will help you put new dimensional standards in your code that make as many existing conditions as possible conforming under the new regulations.

Step 2: Measure example blocks using the character survey form

Print one copy of the character survey form to take into the field for each area or condition being analyzed. Take a walking tour and measure the elements shown on the form. Lot widths, building heights, setbacks, uses, parking location, and percent window glazing are all important elements to measure. Photograph the street section and views of building facades. For a street photo, it is usually best to stand on the sidewalk approximately where a planting strip would be, and shoot at an angle to include some of the buildings and all of the sidewalk, and catch a bit of buildings on the far side of the street. For the facade, in the same area showing the same building(s), stand in the street and shoot the entire front yard including the facade. Include the entire lot width if possible; building height is less important.

Step 3: Measure less visible elements using online maps or aerial photography

In addition to measuring the elements you can access during a walking tour, use online maps or other aerial photography to measure elements over the whole area, such as lot coverage, lot depth, the number and setback of outbuildings, and parking location.

Step 4: Analyze results and set new dimensional standards

Once you have measured the selected blocks, sit down with (1) the completed character survey forms, (2) maps or aerial photos of the area, and (3) a new blank character survey form for each district you are adjusting. Consider the metrics for your measured blocks and the conditions in the rest of the area and decide what dimensions to set for your revised zone(s). Fill in the metrics on the blank character survey form (one for each district you are revising), and these metrics will be the basis for your zoning amendment.

CHARACTER SURVEY SAMPLE

Historic Neighborhood



STREET NAME @ STREET NAME

Average Block Dimension	670 x 340
Units per Acre	8 - 12
Average Lot Size	24 x 90



STREET DIMENSIONS

ROW Width	49'
Moving Lanes	2
Parking Lanes	1
Pavement Width	25'
Curb Type	raised 6"
Curb Radius	18"
Sidewalk	12'
Planter Type	tree well
Planter Width	2' x 2'
Planting Pattern	episodic



BUILDING STANDARDS

Private Frontage Type	Stoop, Shopfront
Building height	4 stories max
First floor above grade	18" resid. 0 shop
Lot size	18' - 36' wide
Lot coverage	80% max.
Buildout percentage @ sidewalk	80% min.
Front Setback	0 min, 12' max
Side Setback	0 min
Rear Setback	3' min.
Outbuilding Setback	3' min.
Ground Level Function	res, retail, office

ACCESSORY DWELLING UNITS

Accessory Dwelling Units

Accessory dwellings could add thousands of more attainable housing units with little strain on infrastructure or additional maintenance expense to local municipalities. Additionally, ADUs have little impact on the character of neighborhoods and can help subsidize mortgages for property owners. However, it is not uncommon for ADU's to face resistance from the community. One common concern is noise and maintenance; a solution is to require owner-occupancy in one of the two units. Each community will likely face different fears from residents, but clear and objective standards will help alleviate many, if not all concerns. A sample ordinance is included here for local revisions.

Sample Accessory Dwelling Unit Code Amendment

It is the policy of a **MUNICIPALITY** to permit accessory dwelling units in a manner that enhances residential neighborhoods and helps residents meet their housing needs. The following standards apply:

1. Accessory dwelling units are a permitted use in any zoning district that permits single-family dwellings.
2. The property owner must occupy either the primary dwelling or accessory dwelling unit as their principal residence.
3. A maximum of one accessory dwelling unit is permitted per residential lot.
4. An accessory dwelling unit may be incorporated within an existing dwelling, an existing accessory building, or a new accessory building.
5. When proposed as a new structure separate from the existing dwelling unit, an accessory dwelling unit must comply with the following standards:
 - a. The facade of the accessory dwelling must be at least 20 feet further from the street than the facade of the principal dwelling.
 - b. The width of the accessory dwelling unit parallel to the street may not exceed 60% of the width of the single-family dwelling.
 - c. The height to the eave of the accessory dwelling may not exceed 80% of the height to the eave of the principal dwelling.
 - d. These requirements do not apply to preexisting buildings converted to accessory dwelling units.
6. Accessory dwelling units may not exceed 50 percent of the total area of the principal dwelling.
7. No additional parking is required for accessory dwelling units.
8. Applicants must provide the **ZONING ADMINISTRATOR** with certification from the municipal health department that the water supply and sewage disposal facilities are adequate for the projected number of residents.

MINIMUM PARKING STANDARDS

Minimum Parking Standards

Parking minimums can significantly increase the cost of housing, and can result in negative environmental impacts. Most parking standards are generic, not based upon local parking studies or usage norms. Reduced parking minimums are becoming more common across the country; even large retailers like Walmart have reduced parking minimums in the last decade. However, parking is frequently a point of contention and must be carefully negotiated locally. Emerging best practice is to allow the market demand and financing criteria to control parking minimums, and for municipalities to regulate parking location, access, and loading. The suggested text amendment below provides a default historic neighborhood condition and an alternative which requires parking for more suburban conditions. One thing of note in this sample is that parking location is more important than parking minimums. Suburban parking locations have scarred historic neighborhoods, reduced walkability, and created points of conflict with pedestrians and cyclists.

Sample On-Site Parking and Loading Amendment

1. On-site parking spaces are not required. [Alternative for suburban condition: “On-site parking spaces must be provided in accordance with Table 1. Each on-street parking space directly adjoining the site will replace two parking spaces otherwise required by Table 1.”]
2. Parking spaces constructed on-site must be located behind buildings relative to the front property line. Where site configurations make this impossible, parking spaces may be placed on the side of buildings provided they are set back at least 30 feet from the street.
3. Access to on-site parking and loading areas is limited as follows:
 - a. Access must be from a rear alley where available.
 - b. Access may be from a street adjoining the rear or side property line if a rear alley is not available.
 - c. If access is not possible from a rear alley or rear or side street, access may be provided from a driveway along the front property line.

Table 1. On-Site Parking Spaces (suburban condition alternative)	
Uses	Minimum parking spaces required
All Residential Units	1 space per dwelling unit
All Lodging Units	1 space per room
All Assembly Uses	1 space per 4 installed seats
All Retail and Service Uses	1 space per 300 sq. ft. of display floor area
Medical Office	1 space per 400 sq. ft. of gross floor area
All Other Office	1 space per 500 sq. ft. of gross floor area
Food and Beverage	1 space per 4 indoor seats

HISTORIC NEIGHBORHOOD STANDARDS

Historic Neighborhood Standards

Within our five case study communities, the areas in those municipalities that are most misaligned with zoning standards are the historic neighborhoods. To permit infill and densification, the following adjustments should be considered. The metrics are based upon measurements from the participating municipalities and should be adjusted locally through the development of a character survey.

[N] - Neighborhood District

1. Intent

- a. The Neighborhood District encompasses the blended density residential areas adjacent to village and city centers. Neighborhood Districts are intended to permit one, two, three, and four household residences as well as neighborhood commercial uses while complementing and connecting to the adjacent centers.
- b. Additionally these regulations seek to increase the availability of attainable housing by reducing barriers that may disadvantage individuals unfamiliar with the complexities of development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining a stable village, city, region, and state.

2. Dimensional Standards for Structures and Lots

- a. All structures and lots must meet the dimensional standards listed in Table 2.

Table 2. Dimensional Standards for Structures and Lots	
Lot Width	40' min. and 100' max.
Setbacks	
Front	8' min. and 16' max.; 2' min. for neighborhood commercial uses
Side	4' min.
Rear: Principal Building	2' min. with rear lanes or 12' min.
Rear: Outbuildings	0' min. with rear lanes or 2' min.
Parking Setback from Building Front	20' min.
Maximum Building Height	2.5 stories
Maximum Building Width	50' per building
Maximum Building Coverage	60% per site

[Numbers above must reflect the character of the local context. See the description of the character survey above.]

HISTORIC NEIGHBORHOOD STANDARDS

3. Height of Structures

- a. Structure height is limited by stories above sidewalk grade.
- b. Ground floor stories exceeding 20 feet are considered two stories.
- c. Mezzanines exceeding 30% of the ground floor area are counted as an additional story.

4. Building Standards

- a. Building facades within 20 feet of sidewalks must have a minimum of 15% glazing.

5. Allowable Uses

- a. Table 3 indicates allowable uses in the Neighborhood zoning districts.
- b. The uses and groups of uses listed in the first column of Table 3 are defined in section [\[insert section\]](#).
- c. Standards and procedures for conditional uses are described in section [\[insert section\]](#).
- d. Multiple permitted uses within a single building, and multiple buildings and permitted uses on a single site, are allowable provided that the dimensional standards in Table 2 and other zoning regulations are met.
- e. Conditional uses may be permitted only upon approval by the **ZONING BOARD** using the standards in section [\[insert section\]](#). Site plan review will be performed simultaneously by the **ZONING BOARD** while considering the conditional use application.
- f. Temporary uses are regulated by section [\[insert section\]](#), not by the allowable uses listed in Table 3.

HISTORIC NEIGHBORHOOD STANDARDS

Table 3. Allowable Uses	
Residential Uses	
Six units or fewer	Permitted Use
Over six units	Conditional Use
Lodging Uses	
Bed and breakfast inn	Permitted Use
Hotel, motel, and other lodging uses	Not Permitted
Institutional Uses	
School or daycare with <12 pupils	Permitted Use
School or daycare with 13+ pupils	Conditional Use
Place of worship with <10 parking spaces	Permitted Use
Place of worship with 11+ parking spaces	Conditional Use
Other institutional uses	Not Permitted
Commercial Uses	
Home occupation	Permitted Use
Offices/shops in converted house	Conditional Use
Food and beverage service in converted house	Permitted Use
Industrial Uses	
All industrial uses	Not Permitted

ADDITIONAL RESOURCES

Further Resources for Code Reform

The following resources offer a broader context to the topic of code reform. A variety of model ordinances and guidance tools for reforming development regulations are available from various sources. These examples suggest a range of possible expanded code reform efforts and may be useful in envisioning future initiatives.

- [The Project for Lean Urbanism](#) has developed a [Lean Code Tool](#) that provides suggestions for intentionally lightening the red tape created by excessive controls, redundancies, contradictions, delays, and unintended consequences found in many zoning codes. These suggestions are meant as general guidelines for quick fixes, rather than the locally appropriate recommendations in this guide.
- [The Center for Applied Transect Studies](#) supports the [SmartCode](#), a model transect-based planning and zoning ordinance based on the analysis of the built environment. It is intended to directly encourage walkable, mixed used neighborhoods, combat sprawl, preserve open lands, and reduce energy consumption. As a general guide it the Smart Code will need to be calibrated for local conditions.
- [The American Planning Association](#) has a number of resources focused on understanding land development regulation, including 21 model codes. [The guidebook Smart Codes: Model Land-Development Regulations](#) (PAS 556), while published in 2009, still offers a good overview of regulation and offers guidance on developing model smart growth ordinances.
- The [U.S. Environmental Protection Agency's](#) Smart Growth program has developed an extensive [website](#) for a range of coding tools, audits, model codes, and other helpful publications. Many of these tools and codes suggest modest to complete regulatory overhauls, and would therefore require larger initiatives than that outlined in this guide.
- The [AARP](#) has created a series of valuable workbooks dealing with issues of livability for all ages. Each workbook provides planning tools to help complete a livability project, as well as implementation funding recommendations.
- [The Form-Based Codes Institute](#) provides a resource page for those interested in form-based codes, a specific urban coding approach which represents the most holistic version of land development regulation reform. Their [Resources](#) offer a variety of ways to increase understanding of form-based code terminology and usage, review a library of best practice sample codes, connect with supporting organization and technical assistance, and access additional information.

ADDITIONAL RESOURCES

Accessory Dwelling Units

The following resources show ways of both implementing code reform to encourage Accessory Dwelling Units and programs to encourage their construction. Since ADUs are most often built by homeowners, not developers, jurisdictions need to include homeowner-focused programs and homeowner-friendly policies.

- The article from the [Sightline Institute](#) focuses on Vancouver BC ADUs, but the information is widely applicable. The Sightline Institute has many resources on housing topics, all well-researched and accessible.
- The website [Accessory Dwellings](#) was founded, and is edited, by 3 volunteers in Portland, Oregon. Kol Peterson and Eli Spevak, along with now-retired Martin Brown, have amassed a wealth of information about ADUS, particularly from the homeowner's perspective.
- The New Hampshire Housing Finance Authority, a non-profit focusing on creating housing, has written several clear and accessible [ADU guides](#) for municipalities and homeowners. They are excellent models for similar guides in Wisconsin.
- The AARP has produced [ADU guides](#) as part of their livable communities effort. They are well-illustrated and very informative for both individuals and jurisdictions.

ADDITIONAL RESOURCES

Parking Reform

This set of resources offer helpful information on reducing or eliminating parking requirements from a variety of sources.

- [This article](#) from the American Planning Association is a good overview of the issues around parking and why parking reform is a crucial piece of housing reform.
- [NAOIP](#), a major commercial real estate organization, has weighed in extensively on parking from the perspective of commercial developers.
- The Environmental and Energy Study Institute, a bi-partisan legislative advisory group working to combat climate change and energy efficiency, has produced [this article](#) about the necessity for parking reform from the climate change perspective.
- [Does Parking Matter?](#) a website which collects information about parking reform and advocates for parking reform has extensive resources including a list of [Cities that have eliminated](#) or reduced parking requirements.
- [Parking Reform Network](#) is a nonprofit organization dedicated to addressing the damage done by excessive parking requirements.

Public Engagement

- [NAR Realtor magazine](#) has produced an entire issue on the housing shortage, including the article linked directly here, which addresses the question of how to talk effectively about increasing housing stock.
- [Desegregate Connecticut](#) is a coalition of housing supporters, environmental groups, professional planners, and elected officials which has organized to lobby for zoning regulation changes to allow more affordable housing and more housing choice. They are an excellent example of the kind of coalition needed to enact incremental zoning reform.
- Sightline Institute, a non-profit organization in the Pacific Northwest, has posted an excellent analysis on how the [residential infill project](#) in Portland was successfully implemented, in spite of vigorous opposition.
- [Legalizing affordable housing](#) is a series of articles from the Sightline Institute about coalition efforts to enable more housing choice.
- [Complete Communities Delaware](#) is another excellent example of successful coalition building for more housing choice with many resources and examples available on their website.

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Fish Creek, WI, image credit: Elvis Kennedy via Flickr





CNU

Congress for the
New Urbanism

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Sec. 44-46. RC conventional single-family district.

- (a) *Purpose.* The RC conventional single-family district is intended to provide for moderate density single-family detached residential uses in traditional development forms. Certain structures and uses designed to serve governmental, educational, religious, and noncommercial recreational uses are permitted or permissible as special exceptions subject to restrictions and requirements necessary to preserve and protect the residential character of the district.
- (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the RC district:
 - (1) Single-family detached dwellings.
 - (2) Public and semipublic nonprofit institutional uses including churches, schools, libraries, and the like; provided principal access shall be directly onto a collector or arterial street.
 - (3) Parks, playgrounds and community centers.
- (c) *Permitted accessory uses and structures.* The following are permitted accessory uses and structures in the RC district:
 - (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Temporary structures in connection with the construction of principal structures provided such structures are not used for living purposes. Temporary structures shall not remain over two years after construction of the principal structure commences.
- (d) *Special exception uses and structures.* The following are special exception uses and structures in the RC district:
 - (1) Day nurseries and kindergartens with at least 100 square feet of open play space for each child enrolled.
 - (2) Convalescent, children's and nursing homes and group homes under Wis. Stats. ch. 61.
 - (3) Public utility installations.
 - (4) Cemeteries.
 - (5) Gardens, nurseries, and orchards, provided no office or store is maintained on the premises.
 - (6) Bed and breakfast establishments.
 - (7) Business and professional offices, public and private clinics.
- (e) *Dimensional requirements.* The following are dimensional requirements in the RC district:
 - (1) Single-family detached dwellings. The minimum dimensions are as follows:
 - a. The lot area is 7,500 square feet per dwelling.
 - b. The lot width is 70 feet.
 - c. Setbacks are as follows:
 - 1. The front yard setback is 25 feet.
 - 2. The side yard setbacks are seven feet individually, 15 feet combined.
 - 3. The rear yard setback is 20 feet.

-
- d. The maximum lot coverage is 35 percent.
 - e. The maximum height is 35 feet (2½ stories).
- (2) Other permissible principal uses and structures. The minimum dimensions are as follows:
- a. The lot area is 12,000 square feet.
 - b. The lot width is 100 feet.
 - c. The setbacks are as follows:
 - 1. The front yard setback is 25 feet.
 - 2. The side yard setbacks are 15 feet each.
 - 3. The rear yard setback is 25 feet.
 - d. The maximum lot coverage is 35 percent.
 - e. The maximum height is 35 feet (2½ stories).
- (3) Existing single-family detached dwellings on lots platted prior to 1950. The minimum dimensions are as follows:
- a. The lot area is 6,000 square feet.
 - b. The lot width is 50 feet.
 - c. The setbacks are as follows:
 - 1. The front yard setback is no less than the average of existing homes within a radius of 500 feet.
 - 2. The side yard setbacks are five feet individually, 12 feet combined.
 - 3. The rear yard setback is 20 feet.
 - d. The maximum lot coverage is 35 percent.
 - e. The maximum height is 35 feet (2½ stories).
- (f) *Permitted accessory signs.* The permitted accessory signs are as follows:
- (1) One subdivision identification sign limited to 25 square feet in area.
 - (2) One temporary sign for each street frontage advertising the sale or lease of real estate provided such sign is limited to nine square feet in area, and one temporary sign advertising the development of property limited to 50 square feet in area. No temporary sign shall be erected within ten feet of any adjacent side yard, and no temporary sign shall remain after the sale, lease, or development of the property.
 - (3) In connection with any public or semipublic institution, the following signs are permitted:
 - a. One identification sign limited to 40 square feet;
 - b. One bulletin board limited to 20 square feet; and
 - c. Not more than two temporary signs or banners limited to a combined area of 80 square feet in connection with special events; provided that no such sign or banner shall be displayed for a period of more than two weeks.
 - (4) In connection with any permitted and publicly owned outdoor athletic field, including soccer, football, baseball, softball, track or tennis courts, the following is permitted: One rectangular-shaped

scoreboard per athletic field which may contain commercial on-premises or off-premises advertising of no more than the lesser of 80 square feet or 35 percent of the face of the scoreboard including such signage; provided that no such commercial advertising shall contain any internal or external lighting or moving parts and such advertising shall not be located upon the back of such scoreboard. The name of the park, athletic field, or home team shall not be considered signage in calculating permitted area.

- (5) In connection with any public park or school, the following are permitted: signs with specific approval of the plan commission recognizing special events, memorials, and recognitions. The size, location, and length of time of display to be determined by the plan commission.

(g) *Off-street parking requirements.* The off-street parking requirements are as follows:

- (1) For dwellings, the off-street parking requirements are two per unit.
- (2) For churches, the off-street parking requirements are one space per three fixed seats.
- (3) For high schools, the off-street parking requirements are one space per three students/employees.
- (4) For elementary school, junior high school, day nurseries the off-street parking requirements are one space per employee.
- (5) For libraries, exhibits, community centers the off-street parking requirements are one space per three persons of maximum capacity.
- (6) For convalescent home, children's home, nursing home the off-street parking requirements are one space per four beds, plus one space per employee.

(Code 2006, § 13-1-44; Ord. No. 6(Ser. of 1999), 4-21-1999; Ord. No. 10(Ser. of 2008), § 1, 8-6-2008; Ord. No. 8(Ser. of 2012), § 1, 6-20-2012; Ord. No. 7(Ser. of 2020), § 1, 9-16-2020)

Sec. 44-46.1. RD dense modern single-family district.

- (a) *Purpose.* The RD dense modern single-family district is intended to provide for more dense single-family detached residential uses in modern development forms.
- (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the RD district:
- (1) Single-family detached dwellings.
 - (2) Municipal owned parks, playgrounds and community centers.
- (c) *Permitted accessory uses and structures.* The following are permitted accessory uses and structures in the RD district:
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- (d) *Special exception uses and structures.* The following are special exception uses and structures in the RD district:
- (1) Public utility installations.
- (e) *Dimensional requirements.* The following are dimensional requirements in the RD district:
- (1) Single-family detached dwellings. The minimum land dimensions are as follows:
 - a. The lot area is 6,000 square feet per dwelling.
 - b. The lot width is 60 feet.

-
- c. Setbacks are as follows:
 - 1. The front yard setback is 20 feet.
 - 2. The side yard setbacks are six feet individually.
 - 3. The rear yard setback is 12 feet.
 - d. The minimum greenspace is 40 percent.
 - e. The maximum height is 30 feet (two stories).
- (f) *Permitted accessory signs.* The permitted accessory signs are as follows:
- (1) One subdivision identification sign limited to 25 square feet in area.
 - (2) One temporary sign for each street frontage advertising the sale or lease of real estate provided such sign is limited to nine square feet in area. No temporary sign shall be erected within ten feet of any adjacent side yard, and no temporary sign shall remain after the sale, lease, or development of the property.
- (g) *Off-street parking requirements.* The off-street parking requirements are as follows:
- (1) For dwellings, the off-street parking requirements are two per unit.
 - (2) For community centers, the off-street parking requirements are one space per four persons of maximum capacity.
 - (3) For all other uses, the off-street parking requirements are to be established by site plan approval of the plan commission.
- (Ord. No. 6(Ser. of 2019), § 1, 11-6-2019)

Village of Kimberly, WI
Wednesday, June 26, 2024

Chapter 525. Zoning

Article XI. Accessory Uses and Structures; Fences and Hedges

§ 525-93. Accessory uses and structures.

- A. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions in residential districts and for residential uses in nonresidential districts. Accessory uses or structures and utility structures may be established, subject to the following regulations:

[Amended 2-18-2013 by Ord. No. 2-2013; 3-1-2021 by Ord. No. 7-2021]

(1) Accessory and utility structure number limits.

- (a) Single-family dwellings: One attached garage, one detached garage or accessory structure, and one utility structure.
- (b) Two-family dwellings: One attached garage per dwelling unit, one detached garage or accessory structure per dwelling unit, and one utility structure per dwelling unit.

(2) Temporary structure and children's play structure limits. Temporary structures and children's play structures, regardless of materials or type of construction shall comply with the following:

- (a) Must be less than 150 square feet;
- (b) Shall not exceed 12 feet in height;
- (c) Meet all zoning district setback requirements;
- (d) Be in good working condition and visually pleasing to the eye;
- (e) Shall not occupy any portion of the required front, street, or side yards;
- (f) Temporary structures and children's play structures, including detached accessory structures, taken in total shall not occupy more than 30% of the required rear yard;
- (g) Shall maintain a minimum of three feet to any other building or lot line;
- (h) Temporary structures are limited to seven continuous calendar days of use and shall not exceed 30 days of use per calendar year;
- (i) No more than one children's play structure is allowed per parcel, except a two family dwelling is allowed one per dwelling;
- (j) No more than one temporary structure is allowed on any parcel;

- (k) Temporary structures outside of these requirements may be allowed with an administrative permit, issued by the Zoning Administrator, and subject to conditions established by the Zoning Administrator.
 - (l) Children's play structures shall not be used for storage;
 - (m) Temporary structures and children's play structures shall not be constructed out of materials that would constitute a nuisance.
- (3) Attached accessory structures. All accessory structures which are attached to the principal building shall comply with the following:
- (a) Meet the setback requirements required of the principal building;
 - (b) Structure area shall be the lesser of:
 - [1] One thousand four hundred square feet;
 - [2] Attached accessory structures shall not exceed the footprint square footage of the principal use areas of the principal building;
 - (c) The height of an attached accessory building shall not exceed the height of the principal building.
- (4) Detached accessory and utility structures in rear yard. All detached accessory and utility structures shall comply with the following:
- (a) Shall not occupy any portion of the required front, street, or side yards.
 - (b) Maintain a minimum three-foot setback to the side and rear property lines;
 - (c) Shall not be located within three feet of any other principal or accessory building or lot line;
 - (d) Shall be less than 15 feet in height;
 - (e) Shall not exceed the height of the principal building;
 - (f) Detached accessory structure area shall not exceed 1,400 square feet;
 - (g) Detached accessory and utility structures, including temporary structures, taken in total shall not occupy more than 30% of the required rear yard.
- (5) Detached accessory and utility structures on corner lots. All detached accessory and utility structures shall comply with the following:
- (a) Front yard and side street (front yard) setbacks: The greater of 25 feet or the same as the principal structure;
 - (b) Side and rear yard setbacks: three-foot minimum setback;
 - (c) Setback to other accessory and utility structures: three-foot minimum setback;
 - (d) Shall be less than 15 feet in height;
 - (e) Shall not exceed the height of the principal building;
 - (f) Detached accessory structure area shall be the lesser of:
 - [1] One thousand four hundred square feet;
 - [2] Detached accessory structures shall not exceed the footprint square footage of the principal use areas of the principal building.
 - (g) Detached accessory and utility structures, including temporary structures, taken in total shall not occupy more than 30% of the yard in which said structures are located.

- C. Use restrictions in residential districts. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations, as defined herein, and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- D. Placement restrictions in nonresidential districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three feet to any side or rear lot line.
- E. Reversed corner lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- F. Landscaping uses. Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation includes trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- G. Temporary uses. Temporary accessory uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of the permanent structure, may be permitted by the Zoning Administrator.
- H. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided that:
 - (1) Such private garage shall be located not less than five feet from the front lot line;
 - (2) The floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) At least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- I. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- J. Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sundials, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.^[1]

[1] *Editor's Note: Original Sec. 13-1-140(k), Retaining walls, which immediately followed this subsection, was repealed 3-5-2012 by Ord. No. 3-2012.*
- K. Children's play structures. For purposes of this section, children's play structures, including play houses, tree houses or elevated play structures, swing sets, slides, sandboxes and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section, whether such play structures are placed on a foundation or not. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- L. Terrace area restrictions. In addition to the definitions and restrictions contained in §§ **430-11** and **445-2** of this Code, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboards/hoops, in the terrace area.
- M. Portable storage units (containers).
[Added 4-3-2017 by Ord. No. 2-2017]
 - (1) Permitted zoning districts: R-1, R-2, R-3, R-4. When incidental to a residential dwelling:
 - (a) A temporary use permit is required pursuant to this section .
 - (b) One portable storage unit shall be the maximum number allowed on a lot for no more than 30 consecutive days and no more than 60 total days per calendar year.
 - (c) The portable storage unit shall be placed on an impervious surface.

- (d) The portable storage unit shall not be located within 10 feet of a property line.
- (e) The portable storage unit shall not be located within the vision corner.
- (f) Portable storage units shall not be used for the purposes of a garage or shed.
- (2) All other zoning districts. When incidental to a permitted principal use:
 - (a) No more than three temporary use permits per business shall be issued per calendar year.
 - (b) Two portable storage units shall be the maximum allowed per temporary use permit.
 - (c) The maximum time limit per temporary use permit shall be 30 days.
 - (d) Portable storage units shall be placed on an impervious surface.
 - (e) Portable storage units may be placed on a lot within a designated loading space.
 - (f) The portable storage unit shall not be located within the required front setback unless permitted by the Building Inspector.
 - (g) Portable storage units shall not be used for the purposes of a garage, shed or other on-site storage.

§ 525-94. Outside storage of firewood.

- A. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 15 days from the date of its delivery.
- B. Firewood should be neatly stacked and may be stacked not closer than one foot to any lot line and not higher than five feet from grade, except adjacent to a fence, where firewood can be stacked against the fence as high as the fence. "Fence" as used in this section shall not include hedges and other vegetation.
- C. All brush, debris and refuse from processing of firewood shall be disposed of within seven days and shall not be allowed to remain on the premises.
- D. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.
- E. Not more than 10% of the side and rear yard may be used for storage of firewood at any one time.

§ 525-95. Outside storage.

No manure, rubbish, inoperable vehicles, salvage material or miscellaneous refuse may be stored within any residential district when the same may be construed as a menace to the public health or safety or may be held to have a depressing influence upon property values in the area. Junk shall be placed in properly zoned junkyards only.

§ 525-96. Fences and hedges.

[Amended 12-17-2018 by Ord. No. 16-2018]

- A. Purpose. The purpose of this section is to regulate the materials, location, height, types, and maintenance of fencing, landscape retaining walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

- B. Applicability. The requirements of this section apply to all fencing, landscape retaining walls, and decorative posts for all land uses and activities.
- C. Fence defined. For the purpose of this section, "fence" is herein defined as any constructed or planted barrier installed to separate, enclose, or screen areas of land. For the purpose of this section, the term "fence" shall include plantings, such as hedges, shrubbery, and trees.
- D. Review and approval. Fences and retaining walls shall be reviewed and approved by the Director of Operations or designee, and shall require a building permit, except as otherwise specifically exempted.
- E. Permit required.
 - (1) No fence, except temporary fences as defined in this section, shall hereafter be built, enlarged, or altered within the Village unless a permit therefor is first obtained by the owner or his agent from the Building Inspector or designee. A sketch or design of the proposed fence shall be submitted to the Building Inspector for approval before construction begins.
 - (2) No repairs or replacements exceeding 10% of existing nonconforming fences shall be made without obtaining a permit.
- F. Fences categorized. Fences shall be categorized into six classifications:
 - (1) Boundary fence. A fence placed on or within three feet of the property lines of adjacent properties.
 - (2) Protective, security fence. A fence constructed to enclose a hazard for the public health, safety and welfare or to enclose an area to control access.
 - (3) Architectural or aesthetic fence. A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) Hedge. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
 - (5) Picket fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
 - (6) Temporary fencing. Fencing described and installed as follows:
 - (a) The use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1.
 - (b) The protection of excavation and construction sites during grading and construction, in association with an active building permit.
 - (c) Fences installed for the protection of planting, not to exceed 45 days.
 - (d) All temporary fencing shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals.
- G. Prohibited materials. Prohibited materials and their exclusions include barbed wire, razor wire, above ground electric fencing, chain-link fencing with barbed/sharp ends, snow fencing, chicken wire, welded wire fencing, hardware cloth, and fencing of similar materials are prohibited, except as provided by the following:
 - (1) Barbed wire installed no less than seven feet and no more than 10 feet aboveground when installed on top of security fences where the principal use of the property is an industrial use;
 - (2) Snow fencing as permitted in temporary fencing § **525-96F(6)(a)**.
- H. Design and construction.

- (1) Fence height. The maximum height of a fence and decorative post shall be subject to the following:
 - (a) Three feet in required front or street yards as established in § **525-31**, except and provided that:
 - [1] On lots with more than one street frontage, where any street is officially designated "no access" to the public right-of-way, or on lots abutting a railroad right-of-way, a six-foot-tall fence or wall shall be permitted to be erected within the required setback areas fronting said designated "no access" public rights-of-way and railroad rights-of-way, excepting vision clearance setback areas.
 - [2] Four feet where the fence structure is no less than 50% open to vision;
 - [3] Six feet where the principal use is a school or park and the fence structure is no less than 75% open to vision;
 - [4] Ten feet as provided in § **525-96H(1)(d)**.
 - [5] Corner lots. Fences up to six feet in height may be constructed in the street yard on the long side of a corner lot, provided the fence maintains a setback to the short side front/street property line equal to the greater of the existing principal structure front/street setback, or the setback that would be required for new construction of a principal structure.
[Added 3-1-2021 by Ord. No. 8-2021]
 - [a] Corner lots where both street frontages are equal, fences up to six feet in height may be installed in only one of the street yards.
 - [b] Fences constructed within 15 feet of any driveway at the time of construction shall provide compliance with the vision requirements identified in § **525-62A**.
 - [c] Fences consisting of plantings, such as hedges, shrubbery, and trees are permitted to grow to their natural height and shall be maintained to comply with the vision requirements identified in Subsection H(1)(a)[5][b] above and so as not to encroach into the public right of way to create a nuisance as identified in § **364-8D** and **E**.
 - (b) Vision clearance. The maximum height shall not exceed 2 1/2 feet in required vision clearance setback areas as defined in § **525-134** and provided in § **525-62**.
 - (c) Six feet in required side and rear yard setback areas, except as follows:
 - [1] Eight feet where the fence meets principal structure setbacks for the district in which located;
 - [2] Lots in residentially zoned districts or lots with a residential principal use: The maximum height shall be eight feet in required side and rear yard setback areas abutting a parcel where the principal use of the abutting parcel is a business or industrial use.
 - [3] Fences consisting of plantings, such as hedges, shrubbery, and trees are permitted to grow to their natural height and shall be maintained to comply with the vision requirements identified in Subsection H(1)(a)[5][b] above and so as not to encroach into the public right of way to create a nuisance as identified in § **364-8D** and **E**.
[Added 3-1-2021 by Ord. No. 8-2021]
 - (d) In business and industrial districts, security fences of an open type similar to woven wire, chain link, wrought iron fencing, or other security styles that are at least 75% open, not exceeding 10 feet in height, are permitted up to the property lines, except where the principal use is residential.

- (e) Height measured. Height shall be measured from the ground immediately under the fence.
 - (f) Decorative posts - maximum height. Decorative posts, spaced not less than six feet on center, may extend eight inches above the maximum height.
- (2) Landscape retaining walls. Retaining walls may be permitted anywhere on the lot except in the vision corner setback area on corner lots, as established in §§ **525-31** and **525-62** of this chapter, provided that no individual wall shall exceed three feet in height and a horizontal terrace at least three feet wide shall be provided between any series of such walls, and provided that along a street frontage no such wall shall be closer than three feet to the setback line.
- (3) Construction. Fences, landscape walls, and decorative posts shall be constructed and maintained in compliance with the following:
- (a) Shall be constructed with the finished side facing the abutting property. Where support posts are installed on one side of the fence, the posts shall be on the side facing the owner of the fence.
 - (b) Shall be constructed so the bottom of the fence follows the contour of the land with any space between the bottom of the fence and grade maintaining a uniform height above grade for the length of the fence.
 - (c) Shall be constructed in a straight, true, and substantial workmanlike manner and shall be erected and constructed in a uniform fashion with uniformity in material use, application, and construction.
 - (d) Shall be constructed of material manufactured for and intended to be used for fencing by the manufacturer.
 - (e) Shall be maintained in reasonable repair and shall not be allowed to become and remain in a condition of disrepair or constitute a nuisance, public or private.

§ 525-97. Swimming pools.

- A. Scope. This section shall apply to all new, remodeled, altered and relocated private swimming pools in the Village of Kimberly, except that the protective enclosure requirements shall be retroactive to all existing swimming pools.
- B. Definition. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than two feet, located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- C. Exempt pools. Storable children's swimming or wading pools with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.
- D. Permit required. A building permit is required for the installation, alteration or addition of a swimming pool. The permit fee shall be \$10. A building permit shall be applied for and obtained prior to the installation, alteration or addition of any private or residential swimming pool. The application for a permit shall be accompanied by a plot plan drawing of the premises upon which the proposed pool is to be installed. The plot plan shall show the size and shape of the lot, location and the size of buildings, structures and fences, existing or proposed, and any other information affecting the premises. The plot plan shall be accurate and dimensioned. Plumbing and electrical permits are required for applicable installations for the operation of the swimming pool. Plumbing

installations for the operation of a swimming pool are required to be done in compliance with the State Plumbing Code, under a plumbing permit. Electrical installations made for the operation of the swimming pool are required to be done in compliance with the Wisconsin Electrical Code, under an electrical permit.

[Amended 4-17-2017 by Ord. No. 4-2017]

E. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection **D** unless the following construction requirements are observed:

- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the Village now in effect or hereafter enacted.
- (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
- (3) All electrical installations, including lighting and heating, but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.

F. Setbacks and other requirements.

- (1) Private swimming pools shall be erected or constructed in rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) The swimming pool and any pool accessory building structure and any pool equipment or structure shall not exceed 15% of the total lot area of the lot on which it is located. No part of the swimming pool, pool accessory structure or pool equipment or structure shall be closer than three feet to any side lot line or rear lot line or closer to the street than the front setback line of the main building, except that, if it is located on the side yard closer to the street property line than the rear wall of the main building, it shall not be closer than six feet to the side lot line.

G. Fence.

- (1) All private or residential swimming pools, whether in-ground or aboveground types, shall be enclosed with an adequate and secure fence at least 48 inches high above adjoining grade to prevent straying into the pool area. Fence requirements as set forth in § **525-96** shall apply. Required fences shall be constructed to prohibit the passage of a six-inch sphere between fence members. Any gate installed shall be provided with self-closing and self-latching devices, which shall be on the inside of the gate at least 30 inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least 48 inches above the ground or a pool cover capable of supporting 100 pounds per square foot of area is an acceptable substitute for fencing. Pool covers shall be fixed securely in place at all times when the pool is not supervised by a responsible person.
- (2) Above-grade pools with walls that are at least 48 inches high at all points around said pool or have platforms and railings that are 48 inches or more in height above grade are not required to be enclosed as provided in Subsection **G(1)** above, but the ladders and stairways providing access to said pool shall be adequately secured to prevent entry whenever the pool is not in use.

H. Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section when water is placed in the pool.

- I. Draining and approval thereof. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system, approval of the State Department of Safety and Professional Services shall be necessary before the construction of any such pool may commence.
- J. Filter system required. All private swimming pools within the meaning of this section must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- K. Dirt bottoms prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- L. Lighting. Any area lighting for swimming pools shall be shielded to prevent the lighting of neighboring properties.

**Village of Ashwaubenon**

2155 Holmgren Way, Ashwaubenon, WI 54304



(920) 492-2309



build@ashwaubenon.gov



www.ashwaubenon.gov

Accessory Structure Permit (Residential)

Fee: \$40 for structure up to 864ft²; \$100 for larger

General Requirements:

1. Setbacks:
 - a. Home with attached garage: 6 feet to side yard, 6 feet to rear yard
 - b. Home without attached garage: 4 feet to side yard, 6 feet to rear yard
2. Maximum size of accessory structure:
 - a. Lot size less than 15,000ft²: 576ft²
 - b. Lot size of 15,000ft² – 25,000ft²: 768ft²
 - c. Lot size greater than 25,000ft²: 936ft²
3. Accessory structure larger than 576ft² shall be reviewed by the Site Plan Review Committee
4. Height cannot exceed 15 feet
5. Accessory structure must be located in the rear yard, corner lots have 2 front yards
6. Applicable Village Ordinance: [Section 17-6-400](#)

Permit Requirements:

The following must be provided to obtain a building permit for an accessory structure:

1. Site plan showing the location of the structure on the property in relation to the property lines and any other structures on site.
2. Completed accessory permit application
3. Signed waiver form if not hiring a Wisconsin licensed contractor

Required Inspections:

1. Rough Electrical → if applicable, when electrical is roughed in prior to covering
2. Final → when accessory structure is complete

Please email completed application and plans to build@ashwaubenon.gov



Village of Ashwaubenon
2155 Holmgren Way, Ashwaubenon, WI 54304
(920) 492-2309
build@ashwaubenon.gov
www.ashwaubenon.gov

Accessory Structure Permit Application (Residential)

PROJECT SITE INFORMATION	
Address:	Total Cost of Project:
City, State, Zip:	
Building Area:	
Building Height:	Parcel ID # :
OWNER INFORMATION	
Name:	Telephone:
Address:	Email:
City, State, Zip:	
CONTRACTOR INFORMATION	
Name:	Telephone:
Address:	Email:
City, State, Zip:	

Do you own and occupy the above listed property? Yes No

Current Land Use: Single Family Two-Family Multi-Family Commercial

Will the building have electrical power? Yes No

Corner Lot?: Yes No

The undersigned contractor/owner/owner's agent hereby applies for a permit to do the work herein described, according to the plans and specifications herewith filed, and hereby agrees that such work will be done in accordance with the said description, plans, and specifications and in compliance with building ordinances and other ordinances of the Village of Ashwaubenon and the State Building Codes of Wisconsin.

Contractor/Owner/Owner's Agent Signature Date

For office use only	Accessory Building Permit Fee: \$40
Building Inspector Signature	Date Approved
PERMIT VALID FOR ONE YEAR FROM APPROVAL DATE	
Date of Payment	Permit Number
Receipt Number	



Village of Ashwaubenon
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Notice to Permit Applicants

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Cautionary Statement to Owners Obtaining Building Permits

101.65(Ir) of Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654(2)(a), the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence of the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one and two family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

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Cautionary Statement to Contractors for Projects Involving Buildings Built Prior to 1978

If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 sq. ft. or more of paint per room, 20 sq. ft. or more of exterior paint, or involves windows, then the requirements of Ch. DHS 163 requiring Lead-Safe Renovation Training and Certification apply. Call (608) 261-6876 or visit the DHS website at dhs.wisconsin.gov/lead for details of how to be in compliance.

☐

Wetlands Notice to Permit Applicants

Per 61.352(2) Wis. Stats:

You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page or contact the Department of Natural Resources Service Center.

Website: <https://dnr.wisconsin.gov/topic/Wetlands/identification.html>

I understand that this project is subject to Ch. NR 151 regarding erosion control and stormwater management and will comply by those standards.

Signature below indicates receipt and acknowledgement of the contents of this document.

Project/Property Address

Parcel ID Number

Applicant/Owner Name (printed)

Applicant/Owner Signature

Date

CITY OF DE PERE

Building Inspection

335 South Broadway, De Pere, WI 54115 | 920-339-4053 | www.deperewi.gov



Sheds and garages are based on type of principal structure (See 14-21 Table 2-2):

- Check parcel ID - should start with ED or WD, if not it is in a different city. [DIME](#)
- Check plat for restrictions.
- Check easements; accessory buildings cannot be located in easements.
- No accessory building can be constructed without a primary structure. Sometimes people own two parcels; they need to combine the parcels if they want accessory structures on the second parcel.
- 850 sq ft max for all accessory structures added together. E.g., existing 600 sq ft garage leaves 250 sq ft for expansion or additional shed.
- Minimum building separation – 5 feet.
- Corner lots – contact Building Inspection Division.
- Rear and side yard set backs are 4 feet if no easement exists.
- Site plan is required showing placement of structure on lot and distances from property lines.
- If the structure is over 200 sq ft, building plans are required.

Examples:

